

**TOWN OF BIG FLATS PLANNING BOARD  
MINUTES OF JANUARY 6, 2004**

6:30 P.M.  
REGULAR MEETING  
Main Conference Room

Present:

Chair - Mark Fleisher  
Angela Piersimoni  
Carl Masler  
James Ormiston  
Lee Younge  
Scott Esty  
Absent - Lee McDonald

Guests: Steve Reynolds  
Staff: none

**AGENDA**

The Board agreed to proceed with the agenda as presented by the Executive Committee.

**MINUTES**

Fleisher asked the Board if there were any corrections concerning the minutes of December 16, 2003. Ormiston made a motion to accept and approve the minutes of December 16, 2003, seconded by Esty. All in favor, motion carried.

**REYNOLDS SUBDIVISION  
CONCEPT PLAT  
TAX PARCEL #47.00-1-33.1 and 47.00-1-33.21**

Fleisher reviewed with the Board the previous application presented by the *applicant* for a 12-lot subdivision in the area of Upson and Chambers Road. The *applicants* have withdrawn that application and submitted a revised application to re-subdivide the original two *parcels* to create four *parcels*.

Upon review of the Short Form SEQR a Negative Declaration was issued citing no significant potential adverse environmental impact.

Fleisher asked the Board for questions or comments concerning the revised proposed resolution. Esty suggested that the resolution reflect that the previous 12-lot subdivision be clarified as withdrawn. There being no further questions or comments, Fleisher asked for a resolution and the Public Hearing was set.

**RESOLUTION P1-2004  
REYNOLDS SUBDIVISION  
CONCEPT PLAT  
TAX PARCEL #47.00-1-33.1 and 47.00-1-33.21**

Resolution by: Ormiston  
Seconded by: Masler

WHEREAS the Planning Board has received a revised *application* from Steven and Susan Reynolds, owners of *parcels* #47.00-1-33.1 and #47.00-1-33.21, as shown on two maps by Weiler Associates,

Job #10229.04 and Job #10229.10, dated October 6, 1995, revised October 30, 1995, revised April 30, 1998.

AND WHEREAS the *applicant* proposes to re-subdivide the said two *parcels*, and create four (4) *parcels*;

AND WHEREAS the proposed four (4) *parcels* are shown on a map by Weiler Associates, Job #13058, dated December 8, 2003:

- *parcel* A which will contain 39.781 acres consisting of vacant land,
- *parcel* B which will contain 9.672 acres consisting of a *one-unit dwelling* and accessory *structure*,
- *parcel* C which will contain 9.577 acres consisting of vacant land,
- *parcel* D, which will contain 43.665 acres consisting of farmland and related *buildings*.

AND WHEREAS the *applicants* previously submitted application for a twelve *lot* subdivision, which subsequently has been withdrawn;

AND WHEREAS the proposed *subdivision* is located on Upson Road and Chambers Road in the Rural *District* (RU);

AND WHEREAS the two existing *parcels* to be re-subdivided are:

- *parcel* #47.00-1-33.1 which contains 85.118 acres and presently consists of a *one unit dwelling* and vacant land,
- *parcel* #47.00-1-33.21 which contains 17.57 acres and presently consists of vacant land;

AND WHEREAS Chapter 17.16 of the Town Municipal Code (*Bulk and Density Control Schedule*) requires 3 acres and 200-foot *lot width* for a residential *lot* in a RU *district*;

AND WHEREAS the adjoining *property owners* have been notified in accordance with the rules of the Planning Board.

THEREFORE BE IT RESOLVED that this Board accepts the documentation submitted as a Concept Plat for Subdivision *Application*,

AND FURTHER RESOLVED that for environmental review purposes that this Board finds this action to be an Unlisted Action in accordance with 6NYCRR 617.3 and that this Board intends to be Lead Agency completing an uncoordinated review with notice of this *application* given to the Chemung County Department of Public Works, Chemung County Health Department and the Chemung County Planning Board,

AND FURTHER RESOLVED that this application be referred to the Chemung County Planning Board pursuant to General Municipal Law 239-m as this property is located within 500 feet of County Route 35;

AND FURTHER RESOLVED that based on the review of the Short Environmental Assessment Form of SEQRA completed by the *applicant* and this Board, this Board finds no significant potential adverse environmental impact and therefore issues a Negative Declaration;

AND FURTHER RESOLVED that this Board does not require any consideration for parkland or the value thereof,

AND FURTHER RESOLVED that a Public Hearing is required for the Preliminary Plat of a proposed *subdivision* and this Board sets a Public Hearing on the Preliminary Plat for February 17, 2004 at 6:33 P.M. or soon thereafter as practical.

CARRIED: AYES: Piersimoni, Masler, Fleisher, Ormiston, Esty, Younge

NAYS: none

ABSTAIN: none

ABSENT: McDonald

**LOVEJOY SUBDIVISION**

**CONCEPT PLAT**

**TAX PARCEL #98.05-3-18**

Fleisher reviewed the proposed resolution with the Board. He explained that the proposed resolution resolves that the *applicant* shall submit a current survey map showing *parcel 2* merged with *parcel 3* and identified as a landlocked with no access to public *right-of-way*. Piersimoni asked if the Board is able to approve a resolution that creates a violation of the Town Municipal Code.

Fleisher read Mr. Lovejoy's letter dated 12/22/03. The proposed resolution was discussed and determined to be tabled for thorough review and consideration of issues of concern discussed.

The Board agreed that Chuck Coons, Director of *Building* Inspection and Code Enforcement, contact the *applicant* and the Attorney for the Town to clarify the issues of gravel mining and the landlocked *lot*.

**RESOLUTION P2-2004**

**LOVEJOY SUBDIVISION**

**CONCEPT PLAT**

**TAX PARCEL #98.05-3-18**

Resolution by: Piersimoni

Seconded by: Younge

WHEREAS the Planning Board has received an *application* from Robert E. Lovejoy, owner of *parcel* #98.05-3-18 to subdivide the 2.2 acres *property* located at 15 Golden Glow Drive into three *parcels* as shown on a map by William W. Wilkins L.S., dated March 23, 1999 and a sketch map dated December 23, 2003;

- *Parcel 1*, which presently contains a *one-unit dwelling*,
- *Parcel 2*, which presently is a vacant unbuildable *lot* extending from the rear lines of *parcels* 36.2 and 36.1 to the south bank of Hendy Creek,
- *Parcel 3* would be the remainder of the tax *parcel*, comprised largely of the Hendy Creek bed.

AND WHEREAS the proposed *subdivision* is located on Golden Glow Drive near Shady Knoll Drive in the Residential 2 *District* (R2);

AND WHEREAS Chapter 17.16 of the Town Municipal Code (*Bulk and Density Control Schedule*) requires 15,000 square feet for a residential *lot* without public water and sewer;

AND WHEREAS *parcel 1* will be 90 feet wide at the edge of the *road right-of-way*;

AND WHEREAS *parcel 2* will be landlocked and having no access to a public *right-of-way*, which is in violation of Chapter 16.12.020 of the Town Municipal Code;

AND WHEREAS *parcel 3* will have a 35-foot wide access to Golden Glow Drive, and will not be a buildable *lot*;

AND WHEREAS the adjoining *property owners* have been notified in accordance with the rules of the Planning Board.

THEREFORE BE IT RESOLVED that this Board accepts the documentation in this *application* as a Concept Plat in accordance with Title 16 of the Town Municipal Code;

AND FURTHER RESOLVED the *subdivision application* be tabled for thorough review and consideration of issues raised in the proceedings of the *application*;

CARRIED: AYES: Piersimoni, Masler, Fleisher, Ormiston, Esty, Younge

NAYS: none

ABSTAIN: none

ABSENT: McDonald

**RESOLUTION P3-2004  
PLANNING BOARD VICE-CHAIRPERSON  
FOR YEAR 2002**

Resolution by: Younge

Seconded By: Esty

WHEREAS Planning Board member, Angela Piersimoni, has agreed to serve as the Planning Board Vice-Chair for the Year 2004.

AND WHEREAS that for environmental review pursuant to 6NYCRR, part 617, that this action is an administrative action, which is a Type 2 action under SEQRA and no further review is required;

BE IT THEREFORE RESOLVED that this Board appoints Angela Piersimoni as Vice-Chair for the Planning Board for the Year 2004.

CARRIED: AYES: Younge, Esty, Ormiston, Fleisher, Masler

NAYS: none

ABSTAIN: Piersimoni

ABSENT: McDonald

**EXECUTIVE COMMITTEE MEMBERSHIP**

Pursuant to Rule 2A of the Planning Board Rules, Fleisher re-appoints Lee Hanle-Younge as the third member of the Executive Committee for 2004. He noted that any Board member as well as the public was certainly welcome to attend any meeting of the Executive Committee.

**COMMENTS:**

- The swearing in of the Oath of Office was discussed. The Planning Board secretary will discuss with the Town Clerk whom should be sworn in and at what time.
- Fleisher read Lee McDonald's resignation letter dated December 29, 2003. Lee has resigned for personal reasons, but would like to serve on future positions and offered his help in training new members to the Application Committee. Lee has been a member of the Planning Board since October 1999 and Co-chaired the Application Committee. Jim Ormiston is Co-chair to the Application Committee and has expressed that he will Chair the next two Application Committee meetings, but will resign as Co-chair to the Application Committee thereafter.
- Ormiston stated that he would be absent for the February 17<sup>th</sup>, March 9<sup>th</sup> and March 30, 2004 Planning Board Meetings.
- Fleisher commented that Milt Simpson, from the Application Committee was offered the vacancy on the Planning Board. He expressed interest but would reply to our offer within the next few days. Younge requested that those who have not met Simpson have an opportunity to meet him.
- Fleisher commented that he had spoken with Jay Schissel, Executive Transportation Planner for Chemung County, concerning a letter from Gale Wolfe of 219 Sing Sing Road regarding her concerns about the traffic impact from the proposed Synthes *development*. Schissel has agreed to review the concerns in Wolfe's letter and would be meeting with Mark Sargent from Creighton Manning Engineers, Consultant for the Town. The Executive Transportation Committee is planning a long-term transportation study of Big Flats and Horseheads area.

Meeting adjourned at 7:10 P.M.

Respectfully Submitted

Nancy Van Maarseveen  
Planning Board Secretary

**TOWN OF BIG FLATS PLANNING BOARD  
MINUTES OF JANUARY 27, 2004**

6:30 P.M.  
REGULAR MEETING  
Big Flats Town Hall  
Conference Room "A"

Present:

Chair - Mark Fleisher  
Angela Piersimoni  
Scott Esty  
Carl Masler  
Lee Younge

Absent - James Ormiston

Guests: Milt Simpson, David Young, Joe Piersimoni  
Staff: Chuck Coons

**AGENDA**

The Board agreed to Agenda as presented.

**MINUTES**

Fleisher asked the Board for comments concerning the minutes of January 6, 2004. Younge made a motion to accept and approve the minutes of January 6, 2004, seconded by Masler; all in favor, motion carried.

**WHEELER RE-SUBDIVISION  
PRELIMINARY PLAT  
TAX PARCEL No. 98.05-2-6, #98.05-2-7, and #98.05-2-8**

Fleisher reviewed with the Board the proposed resolution and documentation received since the last Planning Board Meeting. He asked if the members had any further questions or comments. Being none, he asked for a resolution.

**RESOLUTION P4-2004  
WHEELER RE-SUBDIVISION  
PRELIMINARY PLAT  
TAX PARCEL No. 98.05-2-6, #98.05-2-7, and #98.05-2-8**

Resolution by: Piersimoni  
Seconded by: Esty

WHEREAS the Planning Board has received an *application* from Lisa Jurusik Wheeler, *owner* of tax *parcels* #98.05-2-6, #98.05-2-7, and #98.05-2-8, located at 28 Vernon Place near the intersection of Bennett Road and State Route 225 in the Residential 2 (R2) *district* for a re-*subdivision* of said three *parcels*;

AND WHEREAS the *applicant* intends to construct an *accessory structure* on lot #98.05-2-6, and an *accessory structure* is not permitted as a primary *use* of a residential *property*;

AND WHEREAS an addition to the east side of the existing *one-unit dwelling* was constructed across the *property* line connecting *parcels* #98.05-2-7 and #98.05-2-8;

AND WHEREAS pursuant to Chapter 17.16.020, *Bulk and Density Control Schedule*, minimum *lot area* required is 15,000 square feet in the R2 *district*;

AND WHEREAS the re-*subdivision* of the three *lots* will create one *lot* of 0.620 acres.

AND WHEREAS the Chemung County Planning Board, at its January 15, 2004 meeting, returned the *application* for local determination;

AND WHEREAS the Chemung County Health Department, in a letter dated January 21, 2004, replied to the information sent per Resolution P152-2003.

AND WHEREAS in resolution P152-2003 this Board issued a Negative Declaration on the SEQR determination;

AND WHEREAS a Public Hearing has been set for January 27, 2004;

THEREFORE BE IT RESOLVED that is Board confirms the Public Hearing on this re-*subdivision* preliminary plat and the business portion of the regular meeting is suspended.

CARRIED: AYES: Piersimoni, Masler, Fleisher, Younge, Esty

NAYS: None

ABSTAIN: None

ABSENT: Ormiston

## **PUBLIC HEARING**

6:33 P.M.      **WHEELER RE-SUBDIVISION**  
**PRELIMINARY PLAT**  
**TAX PARCEL No. 98.05-2-6, #98.05-2-7, and #98.05-2-8**

Chair Fleisher called the Public Hearing to order at 6:40 P.M. He noted that the Public Hearing was duly published in the Elmira Star-Gazette and went on to describe the location, features, and purpose of this proposed re-*subdivision*. He further stated that the purpose of the Public Hearing was to receive public comments on the *application* that is the subject of this Public Hearing. Fleisher asked for comments from those present who wished to speak:

IN FAVOR:      None

AGAINST:      None

COMMENTS:    None

Fleisher closed the Public Hearing at 6:43 P.M. and reconvened the business portion of the regular meeting.

**WHEELER RE-SUBDIVISION**  
**PRELIMINARY & FINAL PLAT**  
**TAX PARCEL No. 98.05-2-6, #98.05-2-7, and #98.05-2-8**

Fleisher reviewed with the Board that the proposed resolution would approve the Preliminary Re-*subdivision* Plat and accept that Preliminary Plat as a Final Re-*subdivision* Plat subject to the conditions listed.

**RESOLUTION P5-2004****WHEELER RE-SUBDIVISION****PRELIMINARY & FINAL PLAT****TAX PARCEL No. 98.05-2-6, #98.05-2-7, and #98.05-2-8**

Resolution by: Esty

Seconded by: Younge

WHEREAS the Planning Board has received an *application* from Lisa Jurusik Wheeler, *owner* of tax *parcels* #98.05-2-6, #98.05-2-7, and #98.05-2-8, located at 28 Vernon Place near the intersection of Bennett Road and State Route 225 in the Residential 2 (R2) *district* for a re-*subdivision* of said three *parcels*;

AND WHEREAS the *applicant* intends to construct an *accessory structure* on *lot* #98.05-2-6, and an *accessory structure* is not permitted as a primary *use* of a residential *property*;

AND WHEREAS an addition to the east side of the existing *one-unit dwelling* was constructed across the *property* line connecting *parcels* #98.05-2-7 and #98.05-2-8;

AND WHEREAS pursuant to Chapter 17.16.020, *Bulk and Density Control Schedule*, minimum *lot area* required is 15,000 square feet in the R2 *district*;

AND WHEREAS the re-*subdivision* of the three *lots* will create one *lot* of 0.620 acres.

AND WHEREAS in resolution P152-2003 this Board issued a Negative Declaration on the SEQR determination;

THEREFORE BE IT RESOLVED that this Board approves the preliminary re-*subdivision* plat and accepts the preliminary plat as a Final Re-*subdivision* Plat;

AND FURTHER RESOLVED that the Final Re-*subdivision* Plat is approved subject to the following conditions:

- The *applicant* shall submit a current *survey* map to the Planning Board secretary showing the re-*subdivision* of subject three *parcels* in the form of one Mylar and three original copies.
- The *applicant* shall file the approved *subdivision* plat with the Chemung County Clerk within sixty-two (62) days from the date of endorsement by the Planning Board Chair.
- Failure of the *applicant* to file the final plat with the County Clerk within sixty-two (62) days shall cause such final approval to expire pursuant to Chapter 16.08.040(J) of the Town Municipal Code.

CARRIED: AYES: Esty, Piersimoni, Masler, Fleisher, Younge,

NAYS: None

ABSTAIN: None

ABSENT: Ormiston

**JAMISON/F. COLE DEVELOPMENT SUBDIVISION****CONCEPT PLAT****TAX PARCEL #48.03-2-15.26**



Fleisher asked Chuck Coons, Director of Building Inspection and Code Enforcement, to update the Board on the Jamison *subdivision application*. Coons explained that the proposed *subdivision* would place the existing garage in violation of the *setback* requirements; therefore, a *zoning variance* would be required before a re-*subdivision* of this *parcel* could be approved.

David Young, engineer from Bergmann Associates, distributed a sketch plan to the Board that showed the location of the existing accessory *structures* and the proposed layout of the *lots*. He explained that the intent of the *subdivision* is to sell *lot A* to F. Cole *Development* and then to merge *lot A* with the existing senior housing *development*. There are no definite plans for *development* of *lot A*; however, it *may* potentially be *developed* as an assisted living facility. The 101-foot strip of *property* that extends to Sing Sing Road would then be used as a *drive* entrance.

Mr. Young went on to say that the required *lot* width in the R1 *district* is 100 feet. By moving the line to accommodate the garage *setback*, the width of *lot A* would then be made non-conforming by being less than the required *lot* width. Should *lot A* not be rezoned, or if the *development* of *lot A* by F. Cole Development never occurs, the *lot* would be a non-conforming *lot* in the R1 *district*.

Younge asked if the garage could be moved to accommodate the *setback* requirement. Mr. Young stated that although technically possible, the garage is older and moving it is not feasible. To compensate for the smaller *setback* of the existing garage on *lot B*, the new *owner* of *lot A* would provide a greater side yard *setback* to meet the intent of the zoning code for a *buffer* area. There could be an *easement* placed on *lot A* to ensure this would happen. Younge asked what would happen if the *lot* was sold due to lack of *development*. Mr. Young replied that the *easement* would remain with the land.

Mr. Younge noted that the existing housing is only 50% complete, so there are no immediate plans for *development*. Fleisher reminded the Board that without plans, any thought as to how the *parcel* will be developed is hypothetical. He noted that a *lot* width less than required would affect the value of the residential *building lot*. Therefore, it *may* be more beneficial for the *Town* to consider a variance on the garage *setback* rather than on the *lot* width.

There being no further questions or comments, Fleisher asked for a resolution.

**RESOLUTION P6-2004**  
**JAMISON/F. COLE DEVELOPMENT SUBDIVISION**  
**CONCEPT PLAT**  
**TAX PARCEL #48.03-2-15.26**

Resolution by: Younge

Seconded by: Piersimoni

WHEREAS the Planning Board has received an *application* from Joseph and Euclida Jamison, *owners* of tax *parcel* #48.03-2-15.26, for the *subdivision* approval of a 5.059-acres *parcel* as follows:

- *Parcel A* being a 3.714-acres containing vacant land,
- *Parcel B* being 1.345-acre remaining containing a *one-unit dwelling*, a garage and a barn.

AND WHEREAS the proposed *subdivision* is located at 736 Sing Sing Road near Brookwood Hills Drive in the Residential 1 (R1) *District*;

AND WHEREAS the *Bulk* and *Density* Control Schedule requires 35,000 square feet (0.8-acres) for a residential *lot* without public water or sewer;

AND WHEREAS the required *setback* for an accessory *structure* in R1 is 15 feet from the side *property* line and 5 feet from the rear *property* line;

AND WHEREAS the garage on *parcel* B does not meet the required 15 foot *setback* and will be made non-conforming by the proposed *subdivision*;

AND WHEREAS *parcel* A is to be conveyed to F. Cole Development, *owner* of the adjacent senior housing *development*, namely Retirement Estates, and F. Cole Development intends to merge *parcel* A with the existing *development*;

AND WHEREAS the existing senior housing *development* is a SHPMRD special *district* permitted by the *Town Board*, and any expansion thereto would require *Town Board* approval;

AND WHEREAS the adjoining *property owners* have been notified of this *application* pursuant to the rules of the Planning Board;

THEREFORE BE IT RESOLVED that this Board accepts the documentation in this *application* as a Concept Plat in accordance with Title 16 of the Town Municipal Code;

AND FURTHER RESOLVED that for environmental review this Board finds action on this *application* to be an Unlisted Action in accordance with 6NYCRR 617.3 and that this Board is the Lead Agency completing an uncoordinated review with informational notice of this *application* given to the Chemung County Department of Public Works, Chemung County Health Department, Big Flats *Town Board* and the Chemung County Planning Board;

AND FURTHER RESOLVED that this *application* be referred to the Chemung County Planning Board pursuant to General Municipal Law 239-m as this *property* is located within 500 feet of *County* Route 17;

AND FURTHER RESOLVED that this Board finds that a zoning variance will be needed either for the required *setback* for the garage on *parcel* B or the required 100 foot *lot width* of *parcel* A if the *property* line was moved to accommodate the required *setback* for the garage;

AND FURTHER RESOLVED that this Board finds that the granting of a zoning variance for the garage *setback* is more desirable than the potential request for a variance of the 100 foot *lot width*;

AND FURTHER RESOLVED that this Board requires the *applicant* to make *application* to the Zoning Board of Appeals for a variance on the garage *setback*;

AND FURTHER RESOLVED that this Board makes favorable recommendations to the ZBA to grant the zoning variance;

AND FURTHER RESOLVED that any further action by this Board on the *subdivision* request be tabled until a decision by the ZBA is received.

CARRIED: AYES: Piersimoni, Masler, Fleisher, Younge, Esty

NAYS: None

ABSTAIN: None

ABSENT: Ormiston

**RESOLUTION P7-2004**

**SHPMRD ZONING AMENDMENT REFERRAL FROM TOWN BOARD**

Resolution by: Younge

Seconded by: Esty

WHEREAS the *Town Board* has verbally requested that the Planning Board review and comment on a proposed zoning amendment for the Senior Housing Planned Multiple Residential *District*, Chapter 17.20

AND WHEREAS the proposed amended text in Section 17.20.080(A)(5)(d) would read as follows “Exception: Awnings, canopies, single *story* decks and single *story* covered porches *may* project a maximum of six (6) feet into a required yard *setback*, to a maximum of 140 square feet of *structure* area within the required yard.”;

AND WHEREAS currently the only senior housing *district* is located off Sing Sing Road, but this zoning amendment would be applied to any and all senior housing *development*;

THEREFORE BE IT RESOLVED that this Board finds that the proposed zoning amendment will be substantially consistent with the planning objectives of the Town Comprehensive Plan;

AND FURTHER RESOLVED that this Board sends favorable recommendation to the *Town Board* for enactment of this proposed zoning amendment.

CARRIED: AYES: Piersimoni, Masler, Fleisher, Younge, Esty

NAYS: None

ABSTAIN: None

ABSENT: Ormiston

**PLANNING BOARD MEMBER VACANCY**

Milt Simpson introduced himself to members of the Board that he had not met. Angela Piersimoni has worked on the Application Committee with Simpson and related that he has been a valuable asset to the Application Committee and highly recommends his appointment to the Board.

**RESOLUTION P8-2004**

**PLANNING BOARD MEMBER VACANCY**

Resolution by: Piersimoni

Seconded by: Masler

WHEREAS the Planning Board currently has one vacancy for an unexpired term due to the resignation of Lee McDonald;

AND WHEREAS this Board has met with Milton Simpson, currently a member of the Application Committee, and he has expressed his interest in being a member of the Planning Board.

THEREFORE BE IT RESOLVED that the Planning Board recommends to the *Town Board* the appointment of Milton Simpson as a member of the Planning Board to fill the unexpired term ending December 31, 2006.

CARRIED: AYES: Piersimoni, Masler, Fleisher, Younge, Esty

NAYS: None

ABSTAIN: None

ABSENT: Ormiston

#### MEMBERS COMMENTS

- Piersimoni asked Coons for an update on Pharmatek. Coons relayed that no *building* plans have been submitted.
- Younge asked Coons for an update on Qadeer. Coons commented that the new *owner* met with him to discuss sites for relocation within the hamlet, and he will be looking for an extension of time. Fleisher stated that they would need to demonstrate to the Board that they have been actively looking for a site before the Planning Board can revisit their *application*.

Meeting adjourned at 7:42 P.M.

Respectfully Submitted

Nancy Van Maarseveen  
Planning Board Secretary

**TOWN OF BIG FLATS PLANNING BOARD  
MINUTES OF FEBRUARY 17, 2004**

6:30 P.M.  
REGULAR MEETING  
Main Conference Room

Present:

Chair - Mark Fleisher  
Angela Piersimoni  
Carl Masler  
Lee Younge  
Scott Esty

Absent -Milton Simpson  
Absent - James Ormiston

Guests: James Gensel, Ron Lerner, Rick Saltsman, Rick O'Dell, Marty Metzger, Dean Frisbie,  
Basit Naseeb, Joseph Oscsodal  
Staff: Chuck Coons

**AGENDA**

The Board agreed to add the Membership of the Application Committee as item #6 to the Agenda and proceed with the agenda as modified.

**MINUTES**

Fleisher asked the Board if there were any corrections concerning the minutes of January 27, 2004. Piersimoni made a motion to accept and approve the minutes of January 27, 2004, seconded by Esty. All in favor, motion carried.

**REYNOLDS SUBDIVISION  
PRELIMINARY PLAT  
TAX PARCEL #47.00-1-33.1 and 47.00-1-33.21**

Fleisher reviewed with the Board the proposed resolution and documentation received since the last Planning Board Meeting. He asked if the members had any further questions or comments. Being none, he asked for a resolution.

**RESOLUTION P9-2004  
REYNOLDS SUBDIVISION  
PRELIMINARY PLAT  
TAX PARCEL #47.00-1-33.1 and 47.00-1-33.21**

Resolution by: Esty  
Seconded by: Younge

WHEREAS the Planning Board has received a revised *application* from Steven and Susan Reynolds, *owners* of *parcels* #47.00-1-33.1 and #47.00-1-33.21, as shown on two maps by Weiler Associates, Job #10229.04 and Job #10229.10, dated October 6, 1995, revised October 30, 1995, revised April 30, 1998.

AND WHEREAS the *applicant* proposes to re-subdivide the said two *parcels*, and create four (4)

AND WHEREAS the proposed four (4) *parcels* are shown on a map by Weiler Associates, Job #13058, dated December 8, 2003:

- *parcel* A which will contain 39.781 acres consisting of vacant land,
- *parcel* B which will contain 9.672 acres consisting of a *one-unit dwelling* and accessory *structure*,
- *parcel* C which will contain 9.577 acres consisting of vacant land,
- *parcel* D, which will contain 43.665 acres consisting of farmland and related *buildings*.

AND WHEREAS the *applicants* previously submitted an application for a twelve *lot subdivision*, which subsequently has been withdrawn;

AND WHEREAS the proposed *subdivision* is located on Upson Road and Chambers Road in the Rural *District* (RU);

AND WHEREAS the two existing *parcels* to be re-subdivided are:

- *parcel* #47.00-1-33.1 which contains 85.118 acres and presently consists of a *one unit dwelling* and vacant land,
- *parcel* #47.00-1-33.21 which contains 17.57 acres and presently consists of vacant land;

AND WHEREAS Chapter 17.16 of the Town Municipal Code (*Bulk and Density Control Schedule*) requires 3 acres and 200-foot *lot width* for a residential *lot* in a RU *District*;

AND WHEREAS the Chemung County Planning Board, at its January 15, 2004 meeting, returned the *application* for local determination;

AND WHEREAS the Chemung County Health Department, in a letter dated January 21, 2004, stated that there was no objection to the Planning Board being Lead Agency;

AND WHEREAS in resolution P1-2004 this Board issued a Negative Declaration on the SEQR determination;

AND WHEREAS a Public Hearing has been set for February 17, 2004;

THEREFORE BE IT RESOLVED that this Board confirms the Public Hearing on this *subdivision* preliminary plat and the business portion of the regular meeting is suspended.

CARRIED: AYES: Younge, Esty, Fleisher, Masler, Piersimoni

NAYS: None

ABSTAIN: None

ABSENT: Simpson, Ormiston

## **PUBLIC HEARING**

6:33 P.M.      **REYNOLDS SUBDIVISION**  
                    **PRELIMINARY PLAT**  
                    **TAX PARCEL No. 47.00-1-33.1**

Chair Fleisher called the Public Hearing to order at 6:36 P.M. He noted that the Public Hearing was duly published in the Elmira Star-Gazette and went on to describe the location, features, and purpose of this proposed re-*subdivision*. He further stated that the purpose of the Public Hearing

was to receive public comments on the *application* that is the subject of this Public Hearing.

Fleisher asked for comments from those present who wished to speak:

IN FAVOR: None

AGAINST: None

COMMENTS: None

Fleisher closed the Public Hearing at 6:39 P.M. and reconvened the business portion of the regular meeting.

**REYNOLDS SUBDIVISION**

**PRELIMINARY PLAT**

**TAX PARCEL #47.00-1-33.1 and 47.00-1-33.21**

Fleisher reviewed with the Board that the proposed resolution would approve the Preliminary *subdivision* Plat and accept that Preliminary Plat as a Final *subdivision* Plat.

**RESOLUTION P10-2004**

**REYNOLDS SUBDIVISION**

**PRELIMINARY PLAT**

**TAX PARCEL #47.00-1-33.1 and 47.00-1-33.21**

Resolution by: Younge

Seconded by: Esty

WHEREAS the Planning Board has received a revised *application* from Steven and Susan Reynolds, *owners* of *parcels* #47.00-1-33.1 and #47.00-1-33.21, as shown on two maps by Weiler Associates, Job #10229.04 and Job #10229.10, dated October 6, 1995, revised October 30, 1995, revised April 30, 1998.

AND WHEREAS the *applicant* proposes to re-subdivide the said two *parcels*, and create four (4) *parcels*;

AND WHEREAS the proposed four (4) *parcels* are shown on a map by Weiler Associates, Job #13058, dated December 8, 2003:

- *parcel* A which will contain 39.781 acres consisting of vacant land,
- *parcel* B which will contain 9.672 acres consisting of a *one-unit dwelling* and accessory *structure*,
- *parcel* C which will contain 9.577 acres consisting of vacant land,
- *parcel* D, which will contain 43.665 acres consisting of farmland and related *buildings*.

AND WHEREAS the *applicants* previously submitted an application for a twelve *lot subdivision*, which subsequently has been withdrawn;

AND WHEREAS the proposed *subdivision* is located on Upson Road and Chambers Road in the Rural *District* (RU);

AND WHEREAS the two existing *parcels* to be re-subdivided are:

- *parcel* #47.00-1-33.1 which contains 85.118 acres and presently consists of a *one unit dwelling* and vacant land,
- *parcel* #47.00-1-33.21 which contains 17.57 acres and presently consists of vacant land;

AND WHEREAS Chapter 17.16 of the Town Municipal Code (*Bulk and Density Control Schedule*) requires 3 acres and 200-foot *lot width* for a residential *lot* in a RU *District*;

AND WHEREAS the Chemung County Planning Board, at its January 15, 2004 meeting, returned the *application* for local determination;

AND WHEREAS the Chemung County Health Department, in a letter dated January 21, 2004, stated that there was no objection to the Planning Board being Lead Agency;

AND WHEREAS in resolution P1-2004 this Board issued a Negative Declaration on the SEQR determination;

THEREFORE BE IT RESOLVED that this Board approves the preliminary *subdivision* plat and accepts the preliminary plat as a Final *subdivision* Plat;

AND FURTHER RESOLVED that the Final *subdivision* Plat is approved subject to the following conditions:

- The *applicant* shall submit a current *survey* map to the Planning Board secretary showing the *subdivision* of subject four *parcels* in the form of one Mylar and three original copies.
- The *applicant* shall file the approved *subdivision* plat with the Chemung County Clerk within sixty-two (62) days from the date of endorsement by the Planning Board Chair.
- Failure of the *applicant* to file the final plat with the County Clerk within sixty-two (62) days shall cause such final approval to expire pursuant to Chapter 16.08.040(J) of the Town Municipal Code.

CARRIED: AYES: Younge, Esty, Fleisher, Masler, Piersimoni

NAYS: None

ABSTAIN: None

ABSENT: Simpson, Ormiston

#### **SYNTHESES (USA)**

#### **PRELIMINARY SITE PLAN**

#### **TAX PARCEL #57.02-1-69**

Fleisher asked the *applicant's consultant*, James Gensel of Fagan Engineers, to update the Board on his letter of response dated February 17, 2004, to the Traffic Impact Analysis Review by Creighton Manning Engineers, *Consultant* for the *Town*.

Gensel's update to the Board included:

- That the Generic Environmental Impact Study (GEIS) previously completed for Airport Corporate Park (ACP) required the proposed *road improvements* for the intersections of Kahler/Daniel Zenker and Kahler/Sing Sing.
- That the Planning Board had previously determined that the threshold would have to meet 50% of the trips generated in ACP and that the *County* would have to supply these intersection *improvements*. The threshold was met during the Corning Inc. project *Lot 10R & 11R* of ACP.

Gensel's response to CME's Traffic Impact Analysis Review for Synthes:

- CME questioned Fagan's peak hour traffic and trip generation estimates. Gensel explained that revisions have been made to the traffic study per CME's requirements and that the revised traffic study shows no impact to the adjacent roadway network. However, if future projects, accidents or additional delays impact the intersection at Chambers Road South and Sing Sing Road, that intersection will be reevaluated. Gensel recommends that an all-way stop be



implemented at this location.

- CME questioned the need for a traffic signal at the Sing Sing Road/Airport Road intersection and Kahler Road/Daniel Zenker Drive intersection. Gensel explained that the Industrial Access Program (IAP) Grant has funded *traffic control devices* for those intersections. A Signal Warrant Analysis for a *traffic control device* at the intersection of Daniel Zenker Drive and Kahler Road was not provided because this intersection was previously covered under the ACP GEIS. However, a Signal Warrant Analysis has not been done on Sing Sing Road/Airport Road intersection because Fagan does not consider it warranted.
- In response to the concerns of left turns exiting the Synthes site, Gensel explained that the only way to mitigate left turns at this site is to provide a traffic signal. He spoke with Chemung County Executive Tom Santulli and it is the *County's* point of view that if the *Town* does not wish that intersection to be signalized then it would be removed from the funded project.
- **Airport Road extension** – the proposal is to extend Airport Road to Yawger Road to provide access for Synthes and the rental car maintenance facility and if required by the FAA, for future *airport parking*. The extension of Airport Road would limit the number of *driveways* onto Sing Sing Road. One of the comments brought up by CME was that Synthes employees traveling to and from the west on Sing Sing Road could use Yawger Road to access the *parking lot* rather than travel to the Airport Road entrance. CME recommends that Yawger Road be reconstructed to handle an increase in traffic. Gensel stated that the proposed design of Airport Road assumes that the *Town* will close Yawger Road to Sing Sing Road, and the residents on Yawger Road would use Airport Road to access Sing Sing Road. The *County* is not considering any reconstruction work to Yawger Road as it is a *Town Road*.
- The *Town* has expressed concern about connecting Airport Road Extension to Yawger Road. Gensel suggested a meeting between *Town* and *County* Officials to take place to work out the details.

Coons asked Gensel if the proposed traffic signal at Sing Sing Road and Airport Road has any other function for traffic patterns other than to mitigate left turns at shift changes for Synthes. Gensel replied that the primary reason for the traffic signal is for left turns.

Fleisher commented that there are safety concerns about the traffic on Sing Sing Road traveling east from Synthes. Would a *traffic control device* necessarily slow traffic down? Gensel replied that traffic signals are not used to slow traffic down. Narrowing roadways or enforcement of a lower speed is the best way to slow traffic down. Fleisher asked if a traffic signal is not put in place, are we then looking at a stop *sign*? Gensel replied possibly a two way stop with Airport Road being the minor *road* or a four-way stop intersection. Gensel explained that a Traffic Signal Warrant would consist of 12 warrants indicating that a *traffic control device* is justified at a particular intersection. This is based on peak hour volumes of three, five and eight hours. This area might hit the eight-hour volume just because it is a highly traveled *road*. The major reasons to require a Warrant Analysis would be accidents, pedestrian traffic, or to force a municipality to place a traffic signal at an intersection. A traffic signal can be placed without warrant.

Esty asked if there has been consideration for a rotary at the Yawger Road and Airport Road interchange. Gensel replied that there is not sufficient room for a rotary, and that a rotary would be difficult to plow for the *County* during winter months.

Younge asked about truck traffic. Ron Lerner, Plant Manager of Synthes, replied that trucks will use a *drive* off Sing Sing Road away from the intersection, and he expects only three or four trucks a day, mostly UPS trucks.

Fleisher suggested that the proposed resolution be tabled pending the final set of comments from CME in reply to Fagan's revised report. This will give the Board time to thoroughly review

CME's and Gensel's comments. Gensel commented that his response letter provided to the Board excluded some of the technical examples. Younge asked if the response to Gensel's report was the only outstanding documentation. Gensel replied that all three items listed in the previous resolution have been submitted.

Fleisher noted that although the Planning Board has little control in the intersection issue, the Board needs to address the intersections of Daniel Zenker Road and Kahler Road and of Kahler Road and Sing Sing Road. These are issues aside of the actual *site plan* application. The *Town Board* may have more of an impact on those issues. The Planning Board's impact is on the specific *site plan* that has been presented.

Fleisher suggested a meeting with the *County* and the *Town* addressing the following issues.

- The traffic signal at Airport Road and Sing Sing Road intersection.
  - Is it necessary?
  - Is it going to be of any *use*?
  - Who's paying for it, is the money is part of the grant?
  - Is it a *County Road*, and is the *County* responsible for maintenance?
- The traffic signal at Kahler Road and Daniel Zenker Road intersection.
  - The GEIS indicated that it was necessary, but because of downsizing in ACP are the trip generation figures still applicable and is a *traffic control device* necessary?
  - Based on ACP trip generation figure when would a *traffic control device* be required? The *State* has a grant to pay for the light now.
  - Possibility in having the *traffic control device* activated at set times.
- The extension covered by the IAP Grant of *County* Airport Road
  - Is it an appropriate design to connect Sing Sing Road to Yawger Road?
  - Does it have the appropriate turns?

Younge asked how much more land is in this area to be developed? Gensel replied that there is a *lot* of land to be developed but in his opinion it would take years to be required. Fleisher commented that a future *developer* could be required to incur the *traffic control device* expense. If the Board thinks that there could be a rush of *development* in that area in the near future than put the light up now. Esty commented that if it is a trigger light you are mitigating the overkill. Coons commented that the Board needs to determine from the CME comments as to whether they feel there will be a traffic impact under the environmental review. If the Board determines that there is no traffic impact and the *Town* wants to negotiate with the *County* to have the light – the Planning Board is out of the decision. Gensel replied that his analysis does not warrant a signalized intersection.

Fleisher asked if there is any further discussion on the proposed resolution. There being none. He asked for Resolution.

**RESOLUTION P11-2004**  
**SYNTHES (USA)**  
**PRELIMINARY SITE PLAN**  
**TAX PARCEL #57.02-1-69**

Resolution by: Fleisher  
Seconded by: Piersimoni

WHEREAS the Planning Board has received an *application* from Fagan Engineers, on behalf of SYNTHES (USA) for *site plan* review of proposed construction of a manufacturing and office

facility to be constructed in two phases with a proposed total *footprint* of up to 117, 200 square feet;

AND WHEREAS, Phase I of the proposed project is the construction of 77,200 square feet facility that consists of office and manufacturing *building*, *parking areas*, and related infrastructure. Phase II consists of a *building* addition of 40,000 square feet and additional *parking area*;

AND WHEREAS, the facility is proposed to be located at County Route 17 (Sing Sing Road) and County Route 43 (Airport Road), as shown on plans provided by Fagan Engineers, dated 10/21/03, project no. 2001-110. The site is located in the *Airport Business District* (ABD), and presently consists of vacant grassland. Airport Road will be extended by Chemung County and will provide access to the proposed site;

AND WHEREAS the following Involved and Interested Agencies have replied:

- Chemung County Planning Board at its December 11, 2003 meeting, recommending *Town* approval,
- New York State Dept. of Transportation in a letter dated December 2, 2003 stating no objections to the Planning Board as Lead Agency,
- Chemung County Sewer District #1 in a letter dated November 11, 2003 stating that the *district* will be extending sewer lines to accommodate the proposed *development*;
- Big Flats Fire Dept. in a letter dated November 16, 2003 stating that there is a need for a fire hydrant on the southwestern side of the *building* to provide better *coverage* in case of a fire,

AND WHEREAS the engineer for the *applicant* has provided a detail of the location and screening of the on-site solid waste storage as required in Resolution P148-2003;

AND WHEREAS the *Town Board* has contracted with Creighton Manning Engineering (CME) to review the *applicant's* Traffic Study on behalf of the *Town*;

AND WHEREAS CME has submitted their comments in a letter dated February 11, 2004, requesting additional information from the *applicant's* engineer for continued review, and said comments have been forwarded to Fagan Engineers for consideration and reply:

THEREFORE BE IT RESOLVED that this *application* is tabled pending the final Traffic Analysis Report from CME.

CARRIED: AYES: Piersimoni, Masler, Fleisher, Esty, Younge

NAYS: None

ABSTAIN: None

ABSENT: Simpson, Ormiston

**DESIWORLD GROCERY STORE  
REQUEST FOR EXTENSION OF TIME  
TAX PARCEL NO.: 66.04-1-11**

The Board recognized that the *applicant* has made a good faith effort in that he is actively seeking a new location for his business.

Fleisher asked Mr. Naseeb if he would like to address the Board. Mr. Naseeb explained that he has tried his best to find a new location in the Town of Big Flats. He feels that this location is a very good central location for his business. He is in negotiation for *property* next to the Islamic Temple. Joseph Oscsodal introduced himself as a friend and *developer* for Mr. Naseeb. He has

offered his help in locating and/or *building* Mr. Naseeb a new place for his business. Fleisher reminded Mr. Naseeb that the Board's previous determination to relocate DesiWorld was strictly a public safety issue.

Younge expressed that because of the safety issue and the previously granted six-month extension by this Board, Mr. Naseeb should realize that by *building* a new location, the Board is possibly looking at another extension in addition to the three-month extension now before the Board. Younge asked if Mr. Naseeb has a Real Estate Agent helping him look for a new location.

Naseeb commented that he feels the *Town* should help him find another location and thus keep his business in the *Town*.

Coons commented that the existing location has demonstrated that it does not have as high an impact as originally determined; therefore, the potential for a safety hazard is much less. He recommends the three-month extension with good faith that would aid Mr. Naseeb to move to a liable location.

Fleisher asked for further questions or comments. There being none, he asked for a Resolution.

**RESOLUTION P12 -2004  
DESIWORLD GROCERY STORE  
REQUEST FOR EXTENSION OF TIME  
TAX PARCEL NO.: 66.04-1-11**

Resolution by: Piersimoni

Seconded by: Masler

WHEREAS in Resolution P122-2003 the *owners* of DesiWorld, located at 61 Canal Street were denied approval to have a retail sales *use* at said location and were permitted six (6) months to relocate the business *use*, ending on February 12, 2004;

AND WHEREAS this Board has received a letter dated January 29, 2004 from Basit Naseeb, co-*owner* of DesiWorld, requesting a time extension to be able to relocate the business to another site;

AND WHEREAS in a second letter, dated February 10, 2004, Mr. Naseeb has identified locations under consideration for relocation, but has yet to secure a new location;

THEREFORE BE IT RESOLVED that for environmental review pursuant to 6NYCRR, part 617, that this action is an administrative action, which is a Type 2 action under SEQRA and no further review is required;

AND FURTHER RESOLVED that this Board finds that the *owner* has shown that efforts have been made to find a new location for the business *use*;

AND FURTHER RESOLVED that this Board grants an extension of time for the business *use* at 61 Canal Street for three (3) months, ending on May 12, 2004.

CARRIED: AYES: Piersimoni, Masler, Fleisher, Esty, Younge

NAYS: None

ABSTAIN: None

ABSENT: Simpson, Ormiston

**SILICON CARBIDE PRODUCTS, INC.  
PRELIMINARY *SITE PLAN* AMENDMENT  
TAX *PARCEL* #57.03-2-12.13**

Fleisher reviewed the proposed resolution and on the completion of the Short Environmental Assessment Form for SEQR, he asked the Board for questions or comments.

Younge asked who is reviewing the storm water management. Rick O'Dell, Hunt Engineers, representing the *applicant* replied that the *site plan* is not going to disturb more than an acre. As far of the drainage issue, the whole idea is to get the water from the site. Detention is not being considered. The plan is for a half of a roof CFS to Daniel Zenker Drive to Cuthrie Run – the site is gravelly.

The *application* includes two screened dumpsters and landscaping including a hedgerow on Kahler Road.

The Board has forwarded the necessary documents to Larry Wagner, Commission of Public Works for review and written comments.

Fleisher asked for further questions or comments. There being none, he asked for a resolution.

**RESOLUTION P13-2004  
SILICON CARBIDE PRODUCTS, INC.  
PRELIMINARY *SITE PLAN* AMENDMENT  
TAX *PARCEL* #57.03-2-12.13**

Resolution by: Piersimoni

Seconded by: Younge

WHEREAS the Planning Board has received an *application* from Silicon Carbide Products, Inc. for a *site plan* amendment for proposed construction of an addition to the existing *building* at 361 Daniel Zenker Drive;

AND WHEREAS the *property* is located at the north corner of Daniel Zenker Road and Kahler Road North, in the *Airport Business District* (ABD);

AND WHEREAS the existing *building* consists of 6000 square feet of manufacturing and office space;

AND WHEREAS the *applicant* proposes to construct up to 20,000 square feet additional manufacturing and storage space;

AND WHEREAS the proposed *development* is not intended to appreciably create jobs, but is intended to consolidate services and increase on-site storage area;

AND WHEREAS the storm water drainage from the east side of the *building* is proposed to be discharged into newly installed drywells, and the storm water from the west side of the *building* will be discharged into a drainage swale located along the *property* line that drains into the Daniel Zenker Road *right-of-way*;

AND WHEREAS one *large tree* will be removed for this project;

AND WHEREAS the proposed *parking* surfaces and *drives* will be gravel base with a limestone cover, and will remain pervious to storm water;

THEREFORE BE IT RESOLVED to accept the documents presented in this *application* as a Preliminary Plan for *site plan* amendment approval;

AND FURTHER RESOLVED that for environmental review purposes that this Board finds this action to be an Unlisted Action in accordance with 6NYCRR 617.3 and that this Board intends to be Lead Agency completing an uncoordinated review with notice of this *application* given to the Chemung County Department of Public Works, Chemung County Health Department, Chemung County Planning Board, Elmira-Corning Regional *Airport* and the Big Flats Fire Department;

AND FURTHER RESOLVED that this *application* be referred to the Chemung County Planning Board pursuant to General Municipal Law 239-m as this *property* is located within 500 feet of County Route 63;

AND FURTHER RESOLVED that based on the review of the Short Environmental Assessment Form of SEQRA completed by the *applicant* and this Board, this Board finds no significant potential adverse environmental impact and therefore issues a Negative Declaration;

AND FURTHER RESOLVED that this *application* be forwarded to Larry Wagner, Commissioner of Public Works for the Town of Big Flats, for his review and written comments regarding the storm water drainage into the swale at the west end of the *property*.

CARRIED: AYES: Piersimoni, Masler, Fleisher, Esty, Younge

NAYS: None

ABSTAIN: None

ABSENT: Simpson, Ormiston

**RESOLUTION P14-2004  
MEMBERSHIP OF THE APPLICATION COMMITTEE  
FOR YEAR 2004**

Resolution by: Fleisher

Seconded By: Masler

WHEREAS the Planning Board has an *Application* Committee,

BE IT THEREFORE RESOLVED that the *Application* Committee be comprised of the following members: James Ormiston, Angela Piersimoni, Adrian Van Maarseveen and Lance Muir for the Year 2004.

CARRIED: AYES: Piersimoni, Masler, Fleisher, Esty, Younge

NAYS: None

ABSTAIN: None

ABSENT: Simpson, Ormiston

**COMMENTS:**

- Younge encouraged the Planning Board members to attend the 8<sup>th</sup> Annual STC Regional Leadership Conference held at Corning Community College on April 8, 2004. The

*applications* can be submitted to Nancy to be forwarded to Teresa by March 12, 2004.

- The General Municipal Law in reference to *County* Referral was distributed to all Planning Board Members.

Meeting adjourned at 8:45 P.M.

Respectfully Submitted

Nancy Van Maarseveeen  
Planning Board Secretary

**TOWN OF BIG FLATS PLANNING BOARD  
MINUTES OF MARCH 9, 2004**

6:30 P.M.  
REGULAR MEETING  
Conference Room "A"

Present:

Chair - Mark Fleisher  
Angela Piersimoni  
Carl Masler  
Lee Younge  
Milton Simpson

Absent - James Ormiston  
Absent – Milton Simpson  
Absent – Scott Esty

Guests: James Gensel, Howard Phillips, Judy Celelli, Ron Lerner, Neil Goldberg,  
Tim Brinduse, Neil Rube, Marshall Hardy, James Knittel, Scott Milnanow  
Staff: Chuck Coons, Dean Frisbie

**AGENDA**

The Board agreed to the Agenda as presented.

**MINUTES**

Fleisher asked the Board if there were any corrections concerning the minutes of February 17, 2004. Younge made a motion to accept and approve the minutes of February 17, 2004, seconded by Piersimoni. All in favor, motion carried.

**SYNTHESES (USA)  
PRELIMINARY SITE PLAN  
TAX PARCEL #57.02-1-69**

Fleisher reviewed the proposed resolution and read the letter from the *Consultant* for the *Town*, Creighton Manning Engineers (CME), dated March 4, 2004. CME stated that Fagan Engineers had adequately addressed their comments and the project would not have any significant traffic impacts to the adjacent roadway network.

Chuck Coons commented on the meeting with Larry Wagner, Commissioner of Big Flats Public Works, and Tim Von Neida, Commissioner of the County Public Works regarding the intersections and traffic issues associated with this project.

As the Lead Agency, the Board completed an EAF Part 2 Form and reviewed the impacts and conditions as itemized and modified in the proposed resolution.

Fleisher asked for questions or comments. Masler suggested that off-peak shift hours Synthes proposes be defined in the proposed resolution. Ron Lerner, plant manager for Synthes, replied that should the peak hours change, Synthes would change its shift hours to offset from the peak hours.

There being no further questions or comments. Fleisher asked for a resolution.



**RESOLUTION P14-2004**  
**SYNTHES (USA)**  
**PRELIMINARY *SITE PLAN***  
**TAX *PARCEL* #57.02-1-69**

Resolution by: Younge  
Seconded by: Piersimoni

WHEREAS the Planning Board has received an *application* from Fagan Engineers, on behalf of SYNTHES (USA) for *site plan* review of proposed construction of a manufacturing and office facility to be constructed in two phases with a proposed total *footprint* of up to 117, 200 square feet;

AND WHEREAS, Phase I of the proposed project is the construction of 77,200 square feet facility that consists of office and manufacturing *building*, *parking areas*, and related infrastructure. Phase II consists of a *building* addition of 40,000 square feet and additional *parking area*;

AND WHEREAS, the facility is proposed to be located at County Route 17 (Sing Sing Road) and County Route 43 (Airport Road), as shown on plans provided by Fagan Engineers, dated 10/21/03, project no. 2001-110. The site is located in the *Airport Business District* (ABD), and presently consists of vacant grassland. Airport Road will be extended by Chemung County and will provide access to the proposed site;

AND WHEREAS the following Involved and Interested Agencies have replied:

- Chemung County Planning Board at its December 11, 2003 meeting, recommending *Town* approval,
- New York State Dept. of Transportation in a letter dated December 2, 2003 stating no objections to the Planning Board as Lead Agency,
- Chemung County Sewer *District* #1 in a letter dated November 11, 2003 stating that the *district* will be extending sewer lines to accommodate the proposed *development*;
- Big Flats Fire Dept. in a letter dated November 16, 2003 stating that there is a need for a fire hydrant on the southwestern side of the *building* to provide better *coverage* in case of a fire,
- New York State Department of Environmental Conservation in a letter dated November 8, 2002 indicating its concern regarding *development* surrounding the wetlands (Note this letter originally addressed the *subdivision application* for this project).

AND WHEREAS the engineer for the *applicant* has provided a detail of the location and screening of the on-site solid waste storage as required in Resolution P148-2003;

AND WHEREAS the *Town Board* has contracted with Creighton Manning Engineering (CME) to review the *applicant's* Traffic Study on behalf of the *Town*;

AND WHEREAS CME has submitted their comments in a letter dated February 11, 2004, requesting additional information from the *applicant's* engineer for continued review, and said comments have been forwarded to Fagan Engineers for consideration and reply:

AND WHEREAS Fagan Engineers has submitted a letter, dated February 17, 2004 that included a timeline of events surrounding the *development* of Airport Corporate Park (ACP) and also included the response to CME's review;

AND WHEREAS CME in a letter dated March 4, 2004 has determined that all the study area

intersections will operate at acceptable levels of service, and that the project will have no significant traffic impacts to the adjacent roadway network;

AND WHEREAS Chuck Coons, Director of Building Inspection and Code Enforcement, and Larry Wagner, Commissioner of Public Works for the *Town* of Big Flats met with Tim Von Neida, Commissioner of Public Works for Chemung County on February 26, 2004, and with James Gensel of Fagan Engineers on March 1, 2004, to discuss and rectify *road* design issues surrounding this *development* and have determined the following:

- The proposed traffic signal at the intersection of Sing Sing Road/Airport Road will not be constructed and stop *signs* will be placed at the minor *road*, namely Airport Road,
- The proposed traffic signal at the intersection of Daniel Zenker Road/Kahler Road will not be constructed,
- Airport Road extension, as proposed, will not connect to Yawger Road,
- The intersection design at Sing Sing Road/Kahler Road will be built as proposed, but will include a yield *sign* on the slip ramp,

THEREFORE BE IT RESOLVED that *application* be approved as a Preliminary Plan;

AND FURTHER RESOLVED for environmental review purposes that this Board finds this action to have no significant adverse effect on the environment based on the completed EAF Part 2 and the following findings:

1. IMPACT ON LAND: This project is not expected to result in a physical change to the project site with the exception of the construction of the proposed *building*. The project site is vacant land with some *large trees*. The proposed *lot coverage*, including all impervious services, is 30%. There are no significant slopes on the Site and the water table is greater than six feet below the ground surface. There are no unique or unusual landforms.
2. IMPACT ON WATER: The project plan does include a Storm Water Management Plan with provision for the discharge of storm water through a system of catch basins and retention/detention areas. The plan will be in compliance with the New York State Department of Environmental Conservation Regulations (MS4 Regulations). New York State protected wetlands do exist on the site. No hazardous materials *shall* be improperly used or disposed of on the site.
3. IMPACT ON AIR: This project proposes no air discharges and fewer than 1,000 vehicle trips generated in any given hour.
4. IMPACT ON PLANTS AND ANIMALS: No known threatened, non-threatened, or endangered species maintain a habitat on this site.
5. IMPACT ON AGRICULTURAL LAND RESOURCES: There are prime agricultural soils on the site, but has not been used for farming in recent history.
6. IMPACT ON AESTHETIC RESOURCES: The *development* at the site is consistent with the requirements of the Town Municipal Code in both *Density* and *Bulk*. The project is located in the *Airport Business Development (ABD) district*. The proposed *development* is adjacent to existing commercial, agricultural and residential *uses*.
7. IMPACT ON HISTORIC AND ARCHEOLOGICAL RESOURCES: This project site does not contain any known historical and archeological resources.

8. IMPACT ON OPEN SPACE AND RECREATION: Public hunting, fishing, and other public outdoor recreational opportunities do not exist at the site.
9. IMPACT ON CRITICAL ENVIRONMENTAL AREAS: There are no critical environmental areas located in the *Town*.
10. IMPACT ON TRANSPORTATION: The proposed traffic resulting from this *development* is estimated as having a small to moderate impact on the adjacent *road* network. Employment estimates range from 300 to 400 employees upon completion of both phases of the *development*. Proposed *road* and intersection modifications as a result of this *development* have been reviewed and approved by *Town* and *County* officials. In addition, CME, *consultant* for the *Town*, has indicated in its final review that the impact on traffic will not be significant, primarily because shift changes occur at off peak hours.
11. IMPACT ON ENERGY: This *development* is expected to consume energy at a rate that is less than any of the thresholds that would trigger an impact.
12. NOISE AND ODOR IMPACTS: The project does not include an activity that exceeds the noise requirements of the Town Municipal Code.
13. IMPACT ON PUBLIC HEALTH: There are no identified or known public health concerns.
14. IMPACT ON GROWTH AND CHARACTER OF THE COMMUNITY OR NEIGHBORHOOD: The Project Plan is consistent with the Town of Big Flats Comprehensive Plan and does not propose an expansion in growth that would exceed 5% of the current population. The *density of use* meets Town Municipal Code requirements and is consistent with the current mix of residential and business use in the neighborhood. Concerns regarding traffic are mitigated by the actions proposed in the plan.

AND FURTHER RESOLVED that this Preliminary Plan is accepted as the Final Plan for the site *development* of the entire project and construction of Phase I only;

AND FURTHER RESOLVED that the Final Plan is approved subject to the following conditions:

1. CONSTRUCTION TIME TABLE: A construction time table for all *improvements shall* be written by the *developer* and submitted to the Planning Board & *Building* Department prior to the commencement of any construction for this *development*.
2. MAINTENANCE RESPONSIBILITIES: The *developer shall* maintain the responsibility for the maintenance of all on site storm water drainage *improvement* in perpetuity in such condition as intended by this approval.
3. EROSION CONTROL: *Temporary* erosion control measures *shall* be taken during the entire course of construction as provided for and shown on construction documents. Any erosion prone areas *shall* be made secure with approved control methods immediately upon disturbance of the affected land.
4. AS-BUILT DRAWINGS: The *developer shall* provide the *Town* with as-built drawings, certified by the Registered *design professional* of any and all *improvements* that deviate from the improved construction drawings. A Certificate of Occupancy *shall* not be issued until the

as-built drawings are received.

5. SEEDING: The seeding of all disturbed soils *shall* take place as early in construction as possible. The seeding *shall* be a type of seed appropriate for the grades indicated on the plan, and with the recommendation of the Chemung County Soil and Water Conservation Service. All disturbed areas where seeding has been applied *shall* be mulched to prevent erosion.
6. CONSTRUCTION DEBRIS CONTROL: No restricted Construction & Demolition (C&D) material, as defined by NYSDEC, *shall* be disposed of at the site. All such material *shall* be disposed of at the Chemung County landfill or other appropriate site.
7. NOISE AND DUST DURING CONSTRUCTION: Construction activities that by their nature create excessive noise, such as, but not exclusive of, the operation of heavy earth-moving equipment, grading, and pouring concrete, *shall* occur Monday through Saturday between the hours of 7:00 a.m. and 6:00 p.m. All construction equipment *shall* be equipped with mufflers and utilized in such a manner to reduce, to the maximum extent possible, noise and to maintain air quality. During the course of construction, excessive dust *shall* be controlled by water spraying or other method approved by the CEO. The public roadway, Sing Sing Road, *shall* be kept free of debris and broom cleaned on a daily basis.
8. SITE PLAN MODIFICATION: Modification or deviation from the approved *Final plan* is permitted only with the prior approval of the Planning Board, except that the *Code Enforcement Officer* (CEO) *may* approve, with prior notification to the Chairman of the Planning Board.
9. LIGHT SPILLAGE: All exterior lighting *shall* be shielded to prevent light spillage off the site and be of a type or design that *shall* prevent excessive glare to vehicle traffic, pedestrians, and air traffic.
10. DRIVE ENTRANCES: The *drive* entrances *shall* be approved by the Chemung County Department of Public Works and the appropriate approvals *shall* be obtained prior to the issuance of any *building permit*.
11. INSPECTIONS: The construction of this project *shall* be subject to construction inspections of all *improvements* required by this approval.
12. FAILURE TO COMPLY: Failure to comply with these Conditions *shall* constitute a violation of the Town Municipal Code.
13. SIGNS: No *signs* have been approved under this *site plan*. Any signage is required to be submitted for approval under *site plan* amendment.
14. LANDSCAPING: No landscaping plan has been approved under this *site plan*. A landscape plan is required prior to any installation of landscaping on site, and said plan *shall* be submitted for approval under *site plan* amendment. All proposed landscaping *shall* be maintained in perpetuity by *property owner*.
15. STORMWATER PREVENTION PLAN: The proposed project will disturb more than one acre and therefore will require a NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity (GP-02-01). A GP-02-01 Permit *must* be maintained during construction. The Permit requires the *development* of a Stormwater Pollution Prevention Plan (SWPPP). Copies of the SWPPP *must* be forwarded to the

Code Enforcement office and also available at the construction site. Weekly construction inspection *must* be performed by a Qualified Professional as defined by NYSDEC and all logs or inspection reports made available at the site upon request of a *Code Enforcement Officer*.

15. FIRE HYDRANT: A fire hydrant *shall* be installed at the southwest area of the *property* as requested by the Big Flats Fire Department.
16. PAYMENT OF *CONSULTANT*: *Applicant shall* submit payment to the Town of Big Flats for the cost of services of Creighton Manning Engineers, *consultant* for the *Town*.
17. PHASE II: Construction of Phase II *shall* be submitted and reviewed as a *site plan* amendment to determine consistency with Phase I approval.

CARRIED: AYES: Piersimoni, Masler, Fleisher, Younge

NAYS: none

ABSTAIN: none

ABSENT: Ormiston, Simpson, Esty

**ARNOT EAST YARD  
OFFICE BUILDING  
CONCEPT SITE PLAN  
TAX PARCEL #58.03-1-1.13 & #58.01-2-34**

Fleisher reviewed the proposed resolution as presented by the Executive Committee. In referring to the architectural drawings, the Board discussed the proposed *parking area* and the orientation of the three-story *building* in reference to traffic flow.

Fleisher asked Gensel to address the Board on the traffic issues:

- Gensel explained that the Traffic Study he submitted to the Executive Committee contained a diagram that explained the traffic ingress and egress, which was based on population percentage from the different directions and that the traffic trip generation numbers were taken from the ITE Manual for peak hours
- Gensel explained that the traffic off NYS Route 17/I-86 exit 51A is expected to lead towards the Exit 51A slip ramp. It is assumed that because of the location of the Arnot East Yard Drive onto Colonial Drive that the traffic leaving the site would proceed to Arnot *Mall* Drive and take a left. Masler asked if there has been any consideration in relocating East Yard Road. Gensel indicated no.

Fleisher commented that it was the opinion of the Executive Committee that the traffic analysis does not warrant review by a *consultant* due to the non-complex nature of the *site plan application*.

It was agreed that the landscaping and lighting plans would be submitted at a later time. There is an existing retention pond approved for the entire site *development* to handle the proposed for storm water.

Being no further questions or comments, Fleisher asked for a resolution.

**RESOLUTION P15-2004  
ARNOT EAST YARD  
OFFICE BUILDING  
CONCEPT SITE PLAN**

Resolution by: Masler  
Seconded by: Younge

WHEREAS this Board has received an *application* from the Arnot Realty Corporation for a *site plan* review for construction of a three *story*, 30,000 square foot office *building* as shown on drawings by Fagan Engineers, project #2003-030, dated February 5, 2004;

AND WHEREAS the *development* is proposed to be located on portion of tax *parcels* #58.03-1-1.13 & 58.01-2-34 on Colonial Drive. The site is located in the Business Regional *District* (BR), west of 51A of NYS Route 17/I-86 and presently consists of vacant land;

AND WHEREAS in Resolution P1-2000 this Board approved the conceptual plan for the entire *development* of East Yard, and each subsequent *application* for *development* shall be reviewed based on its own merit;

AND WHEREAS the original site *development* approval was based on the construction of three *retail developments* and a hotel/motel, each being located on separate leased *lots* connected and accessed by a private *drive* known Arnot East Yard Road as shown on plans prepared by the Sear Brown Group;

AND WHEREAS the proposed office *building development* is expected to employ 75 persons, and the entrance/exit to the proposed *development* will be from one drive located on Arnot East Yard Road;

AND WHEREAS the adjoining *property owners* have been notified in writing of this *application*;

AND WHEREAS that the *applicant* has submitted a Traffic Impact Analysis, dated March 4, 2004 showing the impacts to the adjacent *road* network;

THEREFORE BE IT RESOLVED to accept the documents submitted as a concept plan;

AND FURTHER RESOLVED that this Board finds that the adjacent retention pond is capable of handling the additional storm water from the proposed impervious surfaces, as taken from the Storm Water Management Study performed by the Sear Brown Group during the initial concept plan *development* process;

AND FURTHER RESOLVED that this Board determines that the proposed traffic impact of 75 vehicles per trip generation will not significantly affect the adjacent *road* network, and therefore determines that a review *consultant* for the Traffic Impact Analysis is not required;

AND FURTHER RESOLVED that, for environmental review this Board finds action on this *application* to be an Unlisted Action in accordance with 6NYCRR 617.3 and that this Board is the Lead Agency completing an uncoordinated review with information notice of this *application* given to:

- Chemung County Department of Public Works
- Chemung County Sewer District
- Chemung County Planning Board
- Elmira-Corning Regional *Airport*
- Town and Country Fire Department
- Big Flats Water Department

- NYS Department of Transportation

AND FURTHER RESOLVED that this *application* be referred to the Chemung County Planning Board pursuant to General Municipal Law 239-m as this *property* is located within 500 feet of County Route 74;

AND FURTHER RESOLVED that the *applicant shall* submit:

- a detailed landscape plan and
- lighting plan showing the photometrics of all outside lighting

CARRIED: AYES: Piersimoni, Masler, Fleisher, Younge

NAYS: none

ABSTAIN: none

ABSENT: Ormiston, Simpson, Esty

**TRI COUNTY HOUSING  
PRELIMINARY *SITE PLAN* AMENDMENT  
TAX *PARCEL* #66.02-2-31.14**

The Board reviewed the proposed resolution and drawings. It was agreed that the Short Environmental Assessment Form would be completed at the final resolution.

Fleisher invited Tim Brinduse, Architect for Tri County Housing to update the Board regarding the proposed *application*. Mr. Brinduse explained that an increase in staff and overcrowding lead to the decision to expand the existing *building*, which presently employs 16. The proposed addition would be used primarily for training. No additional outside lighting is proposed and only two additional *parking* spaces are proposed. The *building* would be constructed consistent with the same design as the existing *building*. There would also be a handicapped accessible entrance at the rear of the *building*.

Fleisher asked for questions or comments. There being none, he asked for a resolution.

**RESOLUTION P16-2004  
TRI COUNTY HOUSING  
PRELIMINARY *SITE PLAN* AMENDMENT  
TAX *PARCEL* #66.02-2-31.14**

Resolution by: Piersimoni

Seconded by: Masler

WHEREAS the Planning Board has received an *application* from Tri County Housing Council for a *site plan* amendment to construct at 2,170 square foot single *story* addition to the existing office *building* located at 143 Hibbard Road;

AND WHEREAS, the *parcel* is located in the Business Neighborhood (BN2) *district*, north of the intersection of Daniel Zenker Road and Hibbard Road;

AND WHEREAS the addition will be for additional office space, and the expansion of the business will not create any additional jobs thereby having no impact on local traffic patterns;

AND WHEREAS the *applicant* proposes to install two dry wells to manage the storm water drainage from the roof;

AND WHEREAS two additional *parking* spaces are proposed to be added at the easterly visitor *parking* area;

AND WHEREAS the adjoining *property owners* have been notified of this *application* pursuant to the Rules of the Planning Board;

THEREFORE BE IT RESOLVED to accept the documents as a preliminary plan for a *site plan* amendment;

AND FURTHER RESOLVED that, for environmental review this Board finds action on this *application* to be an Unlisted Action in accordance with 6NYCRR 617.3 and that this Board is the Lead Agency completing an uncoordinated review with information notice of this *application* given to:

- Chemung County Department of Public Works,
- Chemung County Health Department,
- Big Flats Fire Department,
- Big Flats Public Works, and
- the Chemung County Planning Board;

AND FURTHER RESOLVED that this *application* be referred to the Chemung County Planning Board pursuant to General Municipal Law 239-n as this *property* is located within 500 feet of County Route 17;

CARRIED: AYES: Piersimoni, Masler, Fleisher, Younge

NAYS: none

ABSTAIN: none

ABSENT: Ormiston, Simpson, Esty

**JAMISON/F. COLE DEVELOPMENT SUBDIVISION  
PRELIMINARY PLAT  
TAX PARCEL #48.03-2-15.26**

The Board reviewed the proposed resolution and completed the Short Environmental Assessment Form. Fleisher reviewed the fact that Resolution P6-2004 tabled the *subdivision application* until a decision by the Zoning Board of Appeals (ZBA) to determine if the garage *setback* on *Parcel B* would be permitted with an approved area variance.

Fleisher asked the Board if they have any questions or comments. Coons explained that *parcel A* will become part of the Senior Housing Planned Multiply Residential *District* (SHPMRD), which is presently under consideration and review by the *Town Board*. However, this *subdivision application* does not hinge on the rezoning.

There being no further questions or comments, Fleisher asked for a resolution.

**RESOLUTION P17-2004  
JAMISON/F. COLE DEVELOPMENT SUBDIVISION  
PRELIMINARY PLAT  
TAX PARCEL #48.03-2-15.26**

Resolution by: Piersimoni



WHEREAS the Planning Board has received an *application* from Joseph and Euclida Jamison, owners of tax *parcel* #48.03-2-15.26, for the *subdivision* approval of a 5.059-acres *parcel* as follows:

- *Parcel A* being a 3.714-acres containing vacant land,
- *Parcel B* being 1.345-acre remaining containing a *one-unit dwelling*, a garage and a barn.

AND WHEREAS the proposed *subdivision* is located at 736 Sing Sing Road near Brookwood Hills Drive in the Residential 1 (R1) *District*;

AND WHEREAS the *Bulk* and *Density* Control Schedule requires 35,000 square feet (0.8-acres) for a residential *lot* without public water or sewer;

AND WHEREAS the required *setback* for an accessory *structure* in R1 is 15 feet from the side *property* line and 5 feet from the rear *property* line;

AND WHEREAS the garage on *parcel B* does not meet the required 15 foot *setback* and will be made non-conforming by the proposed *subdivision*;

AND WHEREAS in Planning Board Resolution P6-2004 the *applicant* was required by this Board to apply to the Zoning Board of Appeals (ZBA) for relief of the required *yard setback* for the garage on *parcel B*;

AND WHEREAS in Resolution ZBA 1-04 the Zoning Board of Appeals granted the *applicant* a variance to permit the garage to be closer to the *property* line with the condition that any *building* and/or accessory *use* side *yard setback*, as agreed to by the *developer* be 25 feet to provide a minimum of 34.5 feet between the existing *structure* and any future *structure*.

AND WHEREAS the proposed *subdivision*, with the approved variance, meets the Bulk and *Density* Code of the Town Municipal Code;

THEREFORE BE IT RESOLVED to accept the documents as a Preliminary Plat;

AND FURTHER RESOLVED that based on the review of the Short Environmental Assessment Form of SEQRA completed by the *applicant* and this Board, this Board finds no significant potential adverse environmental impact and therefore issues a Negative Declaration;

AND FURTHER RESOLVED that a Public Hearing is required for the Preliminary Plat of a proposed *subdivision* and this Board sets a Public Hearing on the Preliminary Plat for March 20, 2004 at 6:33 P.M. or soon thereafter as practical.

CARRIED: AYES: Piersimoni, Masler, Fleisher, Younge

NAYS: none

ABSTAIN: none

ABSENT: Ormiston, Simpson, Esty

#### **RAYMOUR AND FLANIGAN WORKSHOP TAX PARCEL #**

Representatives from Raymour and Flanigan presented to the Board a concept plan for a furniture showroom on tax *parcel* #58.03-1-1.7.

**Introductions** – Mr. Neil Goldberg, President of Raymour and Flanigan introduced Scott Milnamow as Director of Real Estate, Neal Rube as Vice President of General Council, Marshall Hardy as part of their Engineering Firm, Jim Knittel as Director of Design and *Development*.

**History** - Mr. Goldberg explained that his family furniture business was started in Syracuse, New York approximately 50 years ago and have been in the Elmira area since 1990. The ten-year lease at its present location off Route 17/I-86 in the Grand Central Plaza is up for renewal the end of this year. Therefore, the purpose of *building* a new showroom in a new location is the reason that they requested a workshop before the Board.

**Construction** - Mr. Goldberg explained that they are proposing to construct:

- a 63,000 square foot store on a 3.3 acres *parcel* along Colonial Drive,
- a two-story *building* with an overall height of 38' peak. Mr. Goldberg passed around elevational pictures of existing stores that have been built in other communities that would be similar to the proposed store. The two-story *building* would include an elevator and an escalator. He showed examples of the materials and finishes to be used in the construction. The Board requested and Mr. Goldberg agreed to submit an overlay of the *building* on the proposed site.
- Mr. Goldberg stated that they're interested in commencing construction by June of 2004. They predict a completion construction timeframe of three to four months.

**Employees** – The business would employ 15 to 20 employees.

**Setback** - The proposed *building* does not meet the required twenty-five foot front *yard setback* adjacent to NYS Route 17/I86. An area variance would be required. The highway *right-of-way* provides a large *buffer* area.

Fleisher explained the procedure that is to include the following:

- That the *applicant must* submit a *site plan application* to the Planning Board by next Tuesday in order to be placed on the March 30, 2004 Agenda.
- That the Chemung County Planning Board upon receipt of the *site plan* has 30 days to reply.
- That on the March 30, 2004 Planning Board Meeting, the Board would review the five points and then refers the *application* to the Zoning Board of Appeals (ZBA) based on these points.
- That the ZBA decides as to the acceptability of the area variance.
- That upon the ZBA approval, the *application* would return to the Planning Board for Preliminary and Final approvals with conditions that signage and lighting be submitted as a separate amendment.

**Parking** - The Town Municipal Code requires 3.5 *parking* spaces per 1,000 square feet of *retail* floor area; however, the *applicant* explained that a furniture showroom does not need the required amount of *parking*. The *applicant* proposes one *parking* space per 1,000 square feet of showroom (64/65 *parking* spaces) and the remainder to remain as green space.

#### **Traffic**

- The proposed showroom would not generate a significant amount of traffic.
- The traffic ingress and egress will be off Colonial Drive towards the east side of the *parcel*.
- Truck traffic would include one 26-foot truck per day delivering floor samples. The trucks are rental trucks so they won't be parked on the *premises*. Merchandise is delivered from the Syracuse location; there is no warehousing on site.

**Signage** – Due to the orientation of the *building* to the *roads*, the *applicant* would like signage on three sides of the *building*. The Town Municipal Code permits signage on the *building* sides facing the *road*, which would include Colonial Drive and Route 17/I-86. After discussion, it was determined that a variance would be required to accommodate the proposed signage.

**Lighting** – All lighting will be oriented to comply with *airport* regulations.

**Dumpster** – A dumpster is not required because all waste goes to Syracuse.

**COMMENTS:**

- Milton Simpson, due to travel requirement on his job has resigned his position on the Planning Board. It was agreed that an advertisement be placed in the newspaper for a new Board member.
- The Planning Board Secretary reminded the Board members that the Town Clerk has requested that anyone interested in the 8<sup>th</sup> Annual Southern Tier Central Leadership Conference submit their *application* no later than March 10, 2004.

Meeting adjourned at 9:00 P.M.

Respectfully Submitted

Nancy Van Maarseveen  
Planning Board Secretary

**TOWN OF BIG FLATS PLANNING BOARD  
MINUTES OF MARCH 30, 2004**

6:30 P.M.  
REGULAR MEETING  
Main Conference Room

Present:

Chair - Mark Fleisher  
Angela Piersimoni  
Carl Masler  
Lee Younge  
Scott Esty  
Absent - James Ormiston

Guests: James Gensel, Ken Moss, Marshall Hardy, James Knittel, Judy Celelli, Dave Young,  
Marty Metzger, Mark Witmer, Chris Dean,

Staff: Chuck Coons

**AGENDA**

The Board agreed to the Agenda as presented.

**MINUTES**

Fleisher asked the Board if there were any corrections concerning the minutes of March 9, 2004. Younge made a motion to accept and approve the minutes of March 9, 2004 as presented, seconded by Piersimoni. Fleisher, Piersimoni, Masler and Younge were in favor. Esty abstained. Motion carried.

**SILICON CARBIDE PRODUCTS, INC.  
FINAL SITE PLAN AMENDMENT  
TAX PARCEL #57.03-2-12.13**

Fleisher reviewed and described the proposed resolution for a final *site plan* amendment approval. There being no questions or comments; he asked for a resolution.

**RESOLUTION P18-2004  
SILICON CARBIDE PRODUCTS, INC.  
FINAL SITE PLAN AMENDMENT  
TAX PARCEL #57.03-2-12.13**

Resolution by: Piersimoni  
Seconded by: Esty

WHEREAS the Planning Board has received an *application* from Silicon Carbide Products, Inc. for a *site plan* amendment for proposed construction of an addition to the existing *building* at 361 Daniel Zenker Drive;

AND WHEREAS the *property* is located at the north corner of Daniel Zenker Road and Kahler Road North, in the *Airport Business District* (ABD);

AND WHEREAS the existing *building* consists of 6000 square feet of manufacturing and office space;

AND WHEREAS the *applicant* proposes to construct up to 20,000 square feet additional manufacturing and storage space;

AND WHEREAS the proposed *development* is not intended to appreciably create jobs, but is intended to consolidate services and increase on-site storage area;

AND WHEREAS the storm water drainage from the east side of the *building* is proposed to be discharged into newly installed drywells, and the storm water from the west side of the *building* will be discharged into a drainage swale located along the *property* line that drains into the Daniel Zenker Road *right-of-way*;

AND WHEREAS one *large tree* will be removed for this project;

AND WHEREAS the proposed *parking* surfaces and *drives* will be gravel base with a limestone cover, and will remain pervious to storm water;

AND WHEREAS the Chemung County Planning Board, at its March 18, 2004 meeting, recommended approval of the *application*;

AND WHEREAS Larry Wagner, Commissioner of Public Works for the Town of Big Flats in a letter dated February 27, 2004 responded to drainage issues with recommendations as incorporated in the conditions of approval;

THEREFORE BE IT RESOLVED that this Board approves the documents submitted as a Preliminary Plan for the *site plan* amendment;

AND FURTHER RESOLVED that the Board approves and accepts the Preliminary Plan as Final Plan;

AND FURTHER RESOLVED that the Final Plan is approved subject to the following conditions:

1. CONSTRUCTION TIME TABLE: A construction time table for all *improvements* shall be written by the *developer* and submitted to the *Building* Department prior to the commencement of any construction for this *development*.
2. MAINTENANCE RESPONSIBILITIES: The *developer* shall maintain the responsibility for the maintenance of all on site storm water drainage *improvement* in perpetuity in such condition as intended by this approval.
3. EROSION CONTROL: *Temporary* erosion control measures shall be taken during the entire course of construction as provided for and shown on construction documents. Any erosion prone areas shall be made secure with approved control methods immediately upon disturbance of the affected land.
4. AS-BUILT DRAWINGS: The *developer* shall provide the *Town* with as-built drawings, certified by the Registered *design professional* of any and all *improvements* that deviate from the improved construction drawings. A Certificate of Occupancy shall not be issued until the as-built drawings are received.

5. SEEDING: The seeding of all disturbed soils *shall* take place as early in construction as possible. The seeding *shall* be a type of seed appropriate for the grades indicated on the plan, and with the recommendation of the Chemung County Soil and Water Conservation Service. All disturbed areas where seeding has been applied *shall* be mulched to prevent erosion.
6. CONSTRUCTION DEBRIS CONTROL: No restricted Construction & Demolition (C&D) material, as defined by NYSDEC, *shall* be disposed of at the site. All such material *shall* be disposed of at the Chemung County landfill or other appropriate site.
7. NOISE AND DUST DURING CONSTRUCTION: Construction activities that by their nature create excessive noise, such as, but not exclusive of, the operation of heavy earth-moving equipment, grading, and pouring concrete, *shall* occur Monday through Saturday between the hours of 7:00 a.m. and 6:00 p.m. All construction equipment *shall* be equipped with mufflers and utilized in such a manner to reduce, to the maximum extent possible, noise and to maintain air quality. During the course of construction, excessive dust *shall* be controlled by water spraying or other method approved by the CEO. The public roadway, Kahler Road, *shall* be kept free of debris and broom cleaned on a daily basis.
8. SITE PLAN MODIFICATION: Modification or deviation from the approved *Final plan* is permitted only with the prior approval of the Planning Board, except that the *Code Enforcement Officer* (CEO) *may* approve, with prior notification to the Chairman of the Planning Board.
9. LIGHT SPILLAGE: All exterior lighting *shall* be shielded to prevent light spillage off the site and be of a type or design that *shall* prevent excessive glare to *vehicle* traffic, pedestrians, and air traffic.
10. INSPECTIONS: The construction of this project *shall* be subject to construction inspections of all *improvements* required by this approval.
11. FAILURE TO COMPLY: Failure to comply with these Conditions *shall* constitute a violation of the Town Municipal Code.
12. LANDSCAPING: Two raised planting beds have been approved under this *site plan*. All landscaping *shall* be maintained in perpetuity by *property owner*.
13. STORMWATER PREVENTION PLAN: The proposed project will disturb more than one acre and therefore will require a NYSDEC SPDES General Permit for Storm water Discharges from Construction Activity (GP-02-01). A GP-02-01 *Permit must* be maintained during construction. The *Permit* requires the *development* of Storm water Pollution Prevention Plan (SWPPP). Copies of the SWPPP *must* be forwarded to the Code Enforcement office and available at the construction site. Weekly construction inspection *must* be performed by a Qualified Professional as defined by NYSDEC and all logs or inspection reports made available at the site upon request of a *Code Enforcement Officer*.

AND FURTHER RESOLVED, that pursuant to the letter from Larry Wagner, Commissioner of Public Works the following conditions *shall* be met:

- The designing engineer certifies to the Code Enforcement Office that the size of the headers that drain the west side roof drainage into the swale are adequate to handle the volume of roof runoff.
- Splash pads be installed at the locations where the headers discharge into the swale. The size of the splash pad to be determined by the designing engineer.

- The Code Enforcement Office *shall* inspect the swale at the time of the final inspection to ensure that the swale is free of obstructions, the slope of the swale is uniform, and splash pads have been installed.

CARRIED: AYES: Piersimoni, Masler, Fleisher, Esty, Younge

NAYS: none

ABSTAIN: none

ABSENT: Ormiston

**RESOLUTION P19-2004**

**JAMISON/F. COLE *DEVELOPMENT SUBDIVISION***

**PRELIMINARY PLAT**

**TAX PARCEL #48.03-2-15.26**

Resolution by: Esty

Seconded by: Masler

WHEREAS the Planning Board has received an *application* from Joseph and Euclida Jamison, owners of tax *parcel* #48.03-2-15.26, for the *subdivision* approval of a 5.059-acres *parcel* as follows:

- *Parcel* A being a 3.714-acres containing vacant land,
- *Parcel* B being 1.345-acre remaining containing a *one-unit dwelling*, a garage and a barn.

AND WHEREAS the proposed *subdivision* is located at 736 Sing Sing Road near Brookwood Hills Drive in the Residential 1 (R1) *District*;

AND WHEREAS the *Bulk* and *Density* Control Schedule requires 35,000 square feet (0.8-acres) for a residential *lot* without public water or sewer;

AND WHEREAS the required *setback* for an *accessory structure* in R1 is 15 feet from the side *property* line and 5 feet from the rear *property* line;

AND WHEREAS the garage on *parcel* B does not meet the required 15 foot *setback* and will be made non-conforming by the proposed *subdivision*;

AND WHEREAS in Planning Board Resolution P6-2004 the *applicant* was required by this Board to apply to the Zoning Board of Appeals (ZBA) for relief of the required *yard setback* for the garage on *Parcel* B;

AND WHEREAS in Resolution ZBA 1-04 the Zoning Board of Appeals granted the *applicant* a variance to permit the garage to be closer to the *property* line with the condition that any *building* and/or accessory *use side yard setback*, as agreed to by the *developer* be 25 feet to provide a minimum of 34.5 feet between the existing *structure* and any future *structure*.

AND WHEREAS Chapter 17.16 of the Town Municipal Code (*Bulk* and *Density* Control Schedule) requires 3 acres and 200-foot *lot width* for a residential *lot* in a RU *District*;

AND WHEREAS the Chemung County Planning Board, at its January 15, 2004 meeting, returned the *application* for local determination;

AND WHEREAS the Chemung County Health Department, in a letter dated January 21, 2004, stated that there was no objection to the Planning Board being Lead Agency;

AND WHEREAS in resolution P1-2004 this Board issued a Negative Declaration on the SEQR determination;

AND WHEREAS a Public Hearing has been set for March 30, 2004;

THEREFORE BE IT RESOLVED that this Board confirms the Public Hearing on this *subdivision* preliminary plat and the business portion of the regular meeting is suspended.

CARRIED: AYES: Piersimoni, Masler, Fleisher, Esty, Younge

NAYS: none

ABSTAIN: none

ABSENT: Ormiston

## **PUBLIC HEARING**

6:33 P.M. **JAMISON/F. COLE DEVELOPMENT SUBDIVISION**  
**PRELIMINARY PLAT**  
**TAX PARCEL #48.03-2-15.26**

Chair Fleisher called the Public Hearing to order at 6:44 P.M. He noted that the Public Hearing was duly published in the Elmira Star-Gazette and went on to describe the location, features, and purpose of this proposed *subdivision*. He further stated that the purpose of the Public Hearing was to receive public comments on the *application* that is the subject of this Public Hearing. Fleisher asked for comments from those present who wished to speak:

IN FAVOR: none

AGAINST: none

COMMENTS: none

Fleisher closed the Public Hearing at 6:46 P.M. and reconvened the business portion of the regular meeting.

**JAMISON/F. COLE DEVELOPMENT SUBDIVISION**  
**FINAL PLAT**  
**TAX PARCEL #48.03-2-15.26**

Fleisher reviewed and described the proposed resolution for a final *subdivision* approval. He asked the Board for questions or comments.

Esty asked if the acceptance of the *setback* variance by the Zoning Board of Appeals (ZBA) places the existing *building* on the edge of the *property*. Fleisher explained that the ZBA approved the *setback* with the condition that the *owner* of the adjoining *property* (Cole Development) provides the additional *buffer* from the existing *structure* to any future *structure*. The proposed resolution was modified to reflect that the *setbacks* be submitted in a revised set of drawings and submitted to the Planning Board secretary. There being no further questions or comments, Fleisher asked for a resolution.

**RESOLUTION P20-2004**  
**JAMISON/F. COLE DEVELOPMENT SUBDIVISION**  
**FINAL PLAT**  
**TAX PARCEL #48.03-2-15.26**



Resolution by: Younge

Seconded by: Piersimoni

WHEREAS the Planning Board has received an *application* from Joseph and Euclida Jamison, owners of tax *parcel* #48.03-2-15.26, for the *subdivision* approval of a 5.059-acres *parcel* as follows:

- *Parcel A* being a 3.714-acres containing vacant land,
- *Parcel B* being 1.345-acre remaining containing a *one-unit dwelling*, a garage and a barn.

AND WHEREAS the proposed *subdivision* is located at 736 Sing Sing Road near Brookwood Hills Drive in the Residential 1 (R1) *District*;

AND WHEREAS the *Bulk* and *Density* Control Schedule requires 35,000 square feet (0.8-acres) for a residential *lot* without public water or sewer;

AND WHEREAS the required *setback* for an *accessory structure* in R1 is 15 feet from the side *property* line and 5 feet from the rear *property* line;

AND WHEREAS the garage on *parcel B* does not meet the required 15 foot *setback* and will be made non-conforming by the proposed *subdivision*;

AND WHEREAS in Planning Board Resolution P6-2004 the *applicant* was required by this Board to apply to the Zoning Board of Appeals (ZBA) for relief of the required *yard setback* for the garage on *parcel B*;

AND WHEREAS in Resolution ZBA 1-04 the Zoning Board of Appeals granted the *applicant* a variance to permit the garage to be closer to the *property* line with the condition that any *building* and/or accessory *use* side *yard setback*, as agreed to by the *developer* be 25 feet to provide a minimum of 34.5 feet between the existing *structure* and any future *structure*.

AND WHEREAS Chapter 17.16 of the Town Municipal Code (*Bulk* and *Density* Control Schedule) requires 3 acres and 200-foot *lot width* for a residential *lot* in a RU *District*;

AND WHEREAS the Chemung County Planning Board, at its January 15, 2004 meeting, returned the *application* for local determination;

AND WHEREAS the Chemung County Health Department, in a letter dated January 21, 2004, stated that there was no objection to the Planning Board being Lead Agency;

AND WHEREAS in resolution P1-2004 this Board issued a Negative Declaration on the SEQR determination;

THEREFORE BE IT RESOLVED that this Board approves the preliminary *subdivision* plat and accepts the preliminary plat as a Final *subdivision* Plat;

AND FURTHER RESOLVED that the Final *subdivision* Plat is approved subject to the following conditions:

- The *applicant* shall submit a current *survey* map to the Planning Board secretary showing the *subdivision* of subject two *parcels* in the form of one Mylar and three original copies.

- The *survey map shall* identify the 25 foot *setback* along the east *side yard* adjacent to the garage on *Parcel A*, from Sing Sing Road a distance of 276.12' in a southerly direction. Said area *shall* be labeled "No Build Zone".
- The *applicant shall* file the approved *subdivision* plat with the Chemung County Clerk within sixty-two (62) days from the date of endorsement by the Planning Board Chair.
- Failure of the *applicant* to file the final plat with the County Clerk within sixty-two (62) days *shall* cause such final approval to expire pursuant to Chapter 16.08.040(J) of the Town Municipal Code.

CARRIED: AYES: Younge, Esty, Fleisher, Masler, Piersimoni

NAYS: none

ABSTAIN: none

ABSENT: Ormiston

**TRI COUNTY HOUSING  
FINAL SITE PLAN AMENDMENT  
TAX PARCEL #66.02-2-31.14**

Fleisher reviewed and described the proposed resolution for a final *site plan* amendment. Fleisher, in reply to Esty's question, commented that the proposed addition is to be used as a training facility and to alleviate overcrowding of the existing facility. There being no further questions or comments, Fleisher asked the Board for a resolution.

**RESOLUTION P21-2004  
TRI COUNTY HOUSING  
FINAL SITE PLAN AMENDMENT  
TAX PARCEL #66.02-2-31.14**

Resolution by: Masler

Seconded by: Younge

WHEREAS the Planning Board has received an *application* from Tri County Housing Council for a *site plan* amendment to construct at 2,170 square foot single *story* addition to the existing office *building* located at 143 Hibbard Road;

AND WHEREAS, the *parcel* is located in the Business Neighborhood (BN2) *district*, north of the intersection of Daniel Zenker Road and Hibbard Road;

AND WHEREAS the addition will be for additional office space, and the expansion of the business will not create any additional jobs thereby having no impact on local traffic patterns;

AND WHEREAS the *applicant* proposes to install two dry wells to manage the storm water drainage from the roof;

AND WHEREAS two additional *parking* spaces are proposed to be added at the easterly visitor *parking area*;

AND WHEREAS the Chemung County Planning Board, at its March 18, 2004 meeting, recommended approval of the *application*;

THEREFORE BE IT RESOLVED that this Board approves the Preliminary Plan and accepts the Preliminary Plan as a Final Plan for a *site plan* amendment;

AND FURTHER RESOLVED that based on the review of the Short Environmental Assessment Form of SEQRA completed by the *applicant* and this Board, this Board finds no significant potential adverse environmental impact and therefore issues a Negative Declaration;

AND FURTHER RESOLVED that the Final Plan is approved subject to the following conditions:

1. CONSTRUCTION TIME TABLE: A construction time table for all *improvements* shall be written by the *developer* and submitted to the *Building* Department prior to the commencement of any construction for this *development*.
2. MAINTENANCE RESPONSIBILITIES: The *developer* shall maintain the responsibility for the maintenance of all on site storm water drainage *improvement* in perpetuity in such condition as intended by this approval.
3. EROSION CONTROL: *Temporary* erosion control measures shall be taken during the entire course of construction as provided for and shown on construction documents. Any erosion prone areas shall be made secure with approved control methods immediately upon disturbance of the affected land.
4. AS-BUILT DRAWINGS: The *developer* shall provide the *Town* with as-built drawings, certified by the Registered *design professional* of any and all *improvements* that deviate from the improved construction drawings. A Certificate of Occupancy shall not be issued until the as-built drawings are received.
5. SEEDING: The seeding of all disturbed soils shall take place as early in construction as possible. The seeding shall be a type of seed appropriate for the grades indicated on the plan, and with the recommendation of the Chemung County Soil and Water Conservation Service. All disturbed areas where seeding has been applied shall be mulched to prevent erosion.
6. CONSTRUCTION DEBRIS CONTROL: No restricted Construction & Demolition (C&D) material, as defined by NYSDEC, shall be disposed of at the site. All such material shall be disposed of at the Chemung County landfill or other appropriate site.
7. NOISE AND DUST DURING CONSTRUCTION: Construction activities that by their nature create excessive noise, such as, but not exclusive of, the operation of heavy earth-moving equipment, grading, and pouring concrete, shall occur Monday through Saturday between the hours of 7:00 a.m. and 6:00 p.m. All construction equipment shall be equipped with mufflers and utilized in such a manner to reduce, to the maximum extent possible, noise and to maintain air quality. During the course of construction, excessive dust shall be controlled by water spraying or other method approved by the CEO. The public roadway, Hibbard Road, shall be kept free of debris and broom cleaned on a daily basis.
8. SITE PLAN MODIFICATION: Modification or deviation from the approved *Final plan* is permitted only with the prior approval of the Planning Board, except that the *Code Enforcement Officer* (CEO) may approve, with prior notification to the Chairman of the Planning Board.
9. LIGHT SPILLAGE: All exterior lighting shall be shielded to prevent light spillage off the site and be of a type or design that shall prevent excessive glare to *vehicle* traffic, pedestrians, and air traffic.

10. INSPECTIONS: The construction of this project *shall* be subject to construction inspections of all *improvements* required by this approval.
11. FAILURE TO COMPLY: Failure to comply with these Conditions *shall* constitute a violation of the Town Municipal Code.
12. SIGNS: No *signs* have been approved under this *site plan*. Any signage is required to be submitted for approval under *site plan* amendment.

CARRIED: AYES: Piersimoni, Masler, Fleisher, Esty, Younge

NAYS: none

ABSTAIN: none

ABSENT: Ormiston

**RAYMOUR & FLANIGAN  
CONCEPT SITE PLAN  
TAX PARCEL #66.02-2-31.14**

Fleisher reviewed and described the proposed resolution to accept the *site plan application* from Raymour & Flanigan, a *retail* furniture business as presented.

The *applicant* distributed three revised drawings, which included the existing conditions plan, the concept plan, concept grading plan, the pylon *sign* plan and the elevation plan to the Board. Fleisher asked the *applicant* to explain to the Board the most recent submittals and the differences from what was presented to the *Application* and Executive Committees on March 23, 2004.

James Knittel, Director of Design for Raymour & Flanigan explained that the new revisions included the following:

- the proposed *building* has been reversed on the site to face the east due to utility and drainage *easements*, but would remain 67,000 square feet,
- the materials to build the stores would consist of pre-cast stone base, two colors of brick, two colors of EIFS and gold color aluminum storefront.
- the *building* contains a glassed corner facing Colonial Drive,

This *application* would require the following variances:

- A variance would be required to allow signage on a side of the *building* that does not face the road.
- A variance would be required to allow the *building* to be 10-foot closer to the south *property* line versus 25 feet required by the Town Municipal Code.
- A variance is required to permit fewer *parking* spaces and accessory off-*street* loading berths than required by Chapter 17, Section 17.48.010 of the Town Municipal Code. The *applicant* is proposing 135 *parking* spaces of the 235 *parking* spaces required and one loading berth of the four loading berth as required.

Fleisher asked the Board if they agree to waive the requirements for the three (3) loading berths to allow one berth. The Board agreed and modified the proposed resolution accordantly.

Coons cautioned that this is a complex plan on a small site and asked Mr. Marshall Hardy, Senior Associate of Sear-Brown Engineering firm representing the *applicants* to address the storm water management and a concern with the swale. Mr. Hardy explained that the site slopes from west to east and that one reason the *building* was reversed from its original plan was to provide for an underground retention system under the *parking area*. Mr. Hardy explained that the present *site*

*plan* shows a water-quality retention pond at the far-east end of the site and believes there *may* be a need for a second retention pond to shorten the distance of the underground feed. He will submit a Water Quality Plan within the week.

Esty asked about the location of the slopes. Mr. Hardy replied that a 6-8 foot high retaining wall on the slope of the west side of the site, could allow for additional *parking*.

Coons asked about the *drive* separation distance of less than 180-feet. Mr. Hardy replied that the Traffic Study should address that question. The Commissioner of Public Works for Chemung County would be sent a copy of the *site plan* for his review and comments.

Fleisher commented that by approving this resolution, it would table the *application* pending the findings of the ZBA concerning the variances, and submission of the Traffic Analysis, Storm Water Management and the revised *site plan* showing the location of *drive* entrances within 500 feet of the *parcel*.

Esty commented that the proposed variances for this business could limit future *uses* of the *property* if ever sold without the required loading berths and *parking* spaces and noted several empty properties in the community and the difficulty in resale.

There being no further questions or comments, Fleisher asked for a resolution.

**RESOLUTION P22-2004  
RAYMOUR & FLANIGAN  
CONCEPT *SITE PLAN*  
TAX *PARCEL* #66.02-2-31.14**

Resolution by: Esty

Seconded by: Piersimoni

WHEREAS that the this Board has received an *application* from Raymour & Flanigan Furniture Co., Inc., for a *site plan* review for proposed construction of a *retail sales use* being a 67,000 square foot two-story furniture showroom on tax *parcel* #66.02-2-31.14 on Colonial Drive;

AND WHEREAS the *property* is located immediately adjacent to Exit 51A off of Route 17/I86 in the Business Regional (BR) *district*;

AND WHEREAS the *property* is directly adjacent to the *Town* of Horseheads boundary line and the *application* to be referred to the Town of Horseheads Planning Board;

AND WHEREAS the *property* is located as such that it has two *front yards* with a required *setback* of 25 feet and two *side yards* with a required *setback* of 15 feet;

AND WHEREAS the *building* is proposed to project into the *front yard setback* adjacent to Route 17/I86 by 10 feet, and where such request would require a variance granted by the Zoning Board of Appeals (ZBA);

AND WHEREAS a *retail sales use* requires 3.5 *parking* spaces for each one thousand square feet of floor area for the proposed *use*, and 235 *parking* spaces would be required for the proposed *retail sales use*;

AND WHEREAS the *applicant* is requesting a reduction in the number of *parking* spaces to 125 as a furniture sales *use* does not draw a large amount of traffic at any one time, and where such request would require a variance granted by the ZBA;

AND WHEREAS the allowable aggregate signage for a business in the Business Regional (BR) *district* permits 750 total square feet, with the following allowances pursuant to Chapter 17.52 of the Town Municipal Code:

- Free standing *sign* – one *sign* permitted on the *lot* with a maximum of 100 square feet per face,
- Façade *sign* – the lesser of 10% of the area of the side of the *building* the *sign* is installed on or 350 square feet of the side, and such signage *shall* be located on the side of the *building* facing the road.

AND WHEREAS the *applicant* has proposed 750 square feet of aggregate signage as follows:

- Free standing *sign* – one *sign* with 60 square feet per face for a total of 120 square feet,
- Façade *sign*
  - Signage facing route 17/I-86 on the south elevation will be 330 square feet,
  - Signage facing Colonial Drive on the north elevation will be 120 square feet,
  - Signage facing the main *parking lot* on the east elevation will be 180 square feet,

AND WHEREAS the signage facing the main *parking lot* on the east elevation does not comply with the requirements of Chapter 17.52, and such request would require a variance granted by the ZBA.

AND WHEREAS Chapter 17.48.020 of the Town Municipal Code requires three loading berths for this *retail use* based on the square footage of the proposed *building*, and the *applicant* is proposing only one berth;

AND WHEREAS the nature of the business is a furniture showroom, and delivery of furniture will be made from the Syracuse location, therefore eliminating the need for a large storage area and truck access at this site, and the Planning Board *may* modify the requirements based on the scale of the business operation and supporting documentation by the *applicant* pursuant to Chapter 17.48.020 of the Town Municipal Code;

AND WHEREAS there currently exists utility *easements* on the site including a sanitary and storm sewer *easement*, a fiber optical cable *easement*, and a telephone cable *easement*;

AND WHEREAS the *applicant* is proposing a drainage swale, subsurface detention and discharge of storm water to the state drainage swale, but the *applicant* has not submitted a Storm Water Management Plan;

AND WHEREAS the *applicant* is proposing two *drive* entrances approximately 180 feet apart on Colonial Drive;

AND WHEREAS the adjoining *property owners* have been notified as pursuant to Rules of the Planning Board;

THEREFORE BE IT RESOLVED that the documents submitted in this *application* be accepted as a concept plan;

AND FURTHER RESOLVED for environmental purposes this Board finds this action to be an Unlisted Action in accordance with 6NYCRR Part 617.5 and this Board intends to be Lead Agency

for this action completing a Coordinated Review with the following Involved and Interested Agencies:

Involved Agencies:

New York State Department of Transportation  
Chemung County Department of Public Works  
Chemung County Planning Board  
Town of Horseheads  
New York State Department of Environmental Conservation

Interested Agencies:

Town and Country Fire Department  
Elmira-Corning Regional *Airport*  
Town of Big Flats Department of Public Works  
Chemung County Sewer *District* #1

AND FURTHER RESOLVED that this *application* be referred to the Chemung County Planning Board pursuant to General Municipal Law 239-m as this *property* is located within 500 feet of *County* Route 74;

AND FURTHER RESOLVED that this Board finds that this *application* is incomplete and the *applicant shall* submit the following documentation for review:

- Traffic impact analysis showing the impact to the adjacent road network
- Storm Water Management Plan
- Revised *site plan* showing the location of all *drive* entrances within 500 feet of the *property* boundaries of the proposed site.

AND FURTHER RESOLVED that this Board finds that the *applicant's* request for one berth is adequate for the proposed business *use* and therefore waives the required three additional berths;

AND FURTHER RESOLVED that the *applicant* submits an *application* to the Zoning Board of Appeals for the required variances for the *front yard setback*, the reduced required *parking* spaces as indicated above, and the request to signage on a façade not facing the road;

AND FURTHER RESOLVED that this Board makes the following recommendations to the ZBA based on review of the criteria for an area variance:

- *Front yard setback* – the *applicant* proposes to construct the *building* in the *setback* located along Route 17/I86. This Board finds that the granting of this variance would be consistent with the *Town* planning objectives, as the intent of the *setbacks* is to create a *buffer* zone between *uses*. The *state* highway *right-of-way* creates the *buffer*, and another *structure* will not be built adjacent to this *property* line. This Board recommends favorable approval.
- *Parking spaces variance* – the proposed *use* is for a business that does not draw a large traffic volume at any specific peak hour. The existing zoning code does not address furniture stores as a *use*, but includes it with other *retail uses* that could demand *parking* spaces consistent with the *parking* space requirements listed Section 17.48.010. This Board is in support of requiring fewer *parking* spaces for a business that demonstrates the need for fewer spaces. This Board recommends favorable approval.
- *Signage* – the site is unique in having two road frontages and significant and sloping grades at the westerly portion of the *parcel*. Orientation of the *building* entrance is limited by the narrow depth of the *parcel*. The *applicant* is maintaining signage size in accordance with

Chapter 17.52 of the Town Municipal Code, and the request is to allocate some of the permitted signage to a *building* façade that does not face a road, but faces the main *parking lot*. The request is consistent with the intent of the code and this Board recommends favorable approval.

AND FURTHER RESOLVED that this *application* is tabled pending the findings of the ZBA and further document submission by the *applicant* as required above.

CARRIED: AYES: Younge, Esty, Fleisher, Masler, Piersimoni

NAYS: none

ABSTAIN: none

ABSENT: Ormiston

**X-GEN PHARMACEUTICALS, INC. fka Pharma-Tek, Inc.**

**SITE PLAN AMENDMENT**

**PRELIMINARY PLAN**

**TAX PARCEL #67.01-1-3 and 67.01-1-58**

Fleisher introduced the *site plan* amendment, previously approved as Pharma-Tek, Inc. He reviewed the following:

- that the *building* and *parking area* is proposed to be located further east on the *lot*,
- that the storm water and retention area remains the same,
- that the *applicant* has indicated that the *setbacks*, maximum *lot coverage* and *parking spaces* continue to meet the zoning requirements.
- that this resolution would accept the revised documents for the *site plan* amendment as a Preliminary Plan.
- That the Executive Committee agreed that the changes proposed by this *site plan* amendment do not change the significance of any environmental impact previously reviewed in the November 4, 2003 approved *site plan*; therefore, the Negative Declaration issued continues to hold.
- That the revised *application* would be referred to the Chemung County Planning Board.
- That the conditions remain the same on the revised *site plan*.

Fleisher asked James Gensel of Fagan Engineers to update the Board on *site plan* amendment and answer questions. Gensel explained the following:

- **The Freestanding sign** – is located in the front, 60 feet off the *right-of-way*, and would illuminate internally.
- **The First Phase Building** –will be smaller than originally proposed. (both phases still total the original 100,000 square feet). The exterior of the brick faced *building* would include a circular glassed center entrance with columns. The first *story* is for office space and the repackaging of generic drugs. The second *story* is administration offices. No Research and Development to be done on site.
- **The storm water basin** should be more than adequate
- **The landscaping** should be more than adequate
- **The additional parking area** for Phase II
- **The Construction timetable for Phase I** –bidding will begin on May 1, 2004.

Fleisher asked the Board for questions or comments. There being none, he asked for a resolution.



**RESOLUTION P23-2004**  
**X-GEN PHARMACEUTICALS, INC. fka Pharma-Tek, Inc.**  
**SITE PLAN AMENDMENT**  
**PRELIMINARY PLAN**  
**TAX PARCEL #67.01-1-3 and 67.01-1-58**

Resolution by: Piersimoni

Seconded by: Masler

WHEREAS the Planning Board has received an *application* from Fagan Engineers, representing X-Gen Pharmaceuticals, Inc., formally known as Pharma-Tek, Inc., for a *site plan* amendment for modification of the approved *site plan*, approved in Resolution P147-2003 dated November 4, 2003;

AND WHEREAS Resolution P147-2003 granted approval for construction of a pharmaceutical packaging and manufacturing facility to be constructed in two phases, with a total *building area* of 100,000 square feet.

AND WHEREAS the *parcel* is located south of Daniel Zenker Road and east of Hibbard Road in Airport Corporate Park and located in the *Airport Business Development* (ABD);

AND WHEREAS the revised *site plan* is shown on a plan by Fagan Engineers, drawing 3019-A, dated 8/03, October 2003, revised March 28, 2004 and is modified as follows:

- The *building* was relocated to a higher portion of the site. This will also allow Phase II to be constructed behind (south) of Phase I, thus reducing the footprint visible from Daniel Zenker Drive.
- Phase I will be 45,000 square feet and Phase II will be 55,000 square feet, with total proposed construction remaining at 100,000 square feet
- The employee *parking area* is located in a lower area, thus providing additional screening.
- A freestanding *sign* has been included. Detail drawings of the *sign* have been prepared by the architect and included in this submittal.

AND WHEREAS the *building* and *parking area* are proposed to be located further east on the *lot*, and the stormwater retention area will remain as originally proposed;

AND WHEREAS the proposed *building setbacks*, maximum *lot coverage*, and *parking* spaces continue to meet zoning requirements identified in Title 17 of the Town Municipal Code;

THEREFORE BE IT RESOLVED that the documents submitted for this *site plan* amendment be accepted as a Preliminary Plan;

AND FURTHER RESOLVED that, for environmental review this Board finds that the changes proposed by the *site plan* amendment do not change the significance of any environmental impact reviewed in the original approved *site plan* and therefore the Negative Declaration issued on November 4, 2003 remains;

AND FURTHER RESOLVED that this *application* be referred to the Chemung County Planning Board pursuant to General Municipal Law 239-m as this *property* is located within 500 feet of *County Route 63*;

CARRIED: AYES: Piersimoni, Masler, Fleisher, Esty, Younge

NAYS: none

ABSTAIN: none

ABSENT: Ormiston

### **CHRIS DEAN RESIDENTIAL *SITE PLAN* WORKSHOP**

Fleisher introduced Chris Dean who has asked to present a workshop on a proposed *site plan*. Chris distributed sketches and explained that he is interested in submitting a *site plan* for a three-unit apartment house to be located on Main Street in the Town of Big Flats. However, this *district* is a Residential 1 (R1) *District* that does not permit three-unit housing. His research of the zoning indicated that multi-unit housing is an approved *use* in a Floating Zone. He would like the Board to clarify what is a Floating Zone and find out what are the requirements.

Coons explained that a Floating Zone is shown on the *Use* Table in 17.12 indicates that *multi-unit dwelling* is only permitted on approval as a Floating Zone. A discussion pursued as to the exact definition of a Floating Zone and how it applies. The *Bulk* and *Density* does not address multi-unit only as a Floating Zone. Coons suggested that Chris Dean request to the *Town* Board that the text be amended. *Setbacks*, *lot coverage*, a *subdivision* approval and a *site plan* approval are all necessary before the optimistic June start date can be achieved.

### **COMMENTS:**

- A discussion on advertising for a new Planning Board member.

Meeting adjourned at 8:30 P.M.

Respectfully Submitted

Nancy Van Maarseveen  
Planning Board Secretary

**TOWN OF BIG FLATS PLANNING BOARD  
MINUTES OF APRIL 20, 2004**

6:30 P.M.  
REGULAR MEETING  
Main Conference Room

Present:

Chair - Mark Fleisher  
Angela Piersimoni  
Carl Masler  
Lee Younge  
Scott Esty  
James Ormiston

Guests: Neil Goldberg, James Knittel, Neil Rube, Scott Milnamow, Ken Moss, James Gensel, Chris Dean, Jack Wakefield, Tom Rhodes, Carl Carson, Bob Weiss, Harry King

Staff: Mary Ann Balland, Dean Frisbie, Chuck Coons

**AGENDA**

The Board agreed to the Agenda as presented.

**MINUTES**

Fleisher asked the Board if there were any corrections concerning the minutes of March 30, 2004. Esty made a motion to accept and approve the minutes of March 30, 2004 as presented, seconded by Piersimoni. Fleisher, Piersimoni, Masler, Younge, Esty were in favor, Ormiston abstained, motion carried.

**ZONING BOARD OF APPEALS DISCUSSION  
FOR RAYMOUR & FLANIGAN**

Fleisher explained that the Zoning Board of Appeals (ZBA) had requested a discussion with the Planning Board to understand the reason for recommending a substantial deviation to the required *parking* spaces in the *Town's* Zoning Regulations.

Tom Rhodes, Chairman of the ZBA, commenced by stating that the Raymour & Flanigan Furniture *Retail* Store submitted a request for three variances for their proposed *site plan*. He stated that the ZBA Board is primarily concerned with the variance for the substantial deviation to the *parking* requirements. The Zoning Regulations requires 235 *parking* spaces for that size of the *retail* space; however, the *applicant* has requested a variance to provide only 135 *parking* spaces. The ZBA understands that the furniture business *may* require fewer *parking* spaces versus other *retail* businesses. Should the ZBA approve this variance for *parking* that does not meet the standards with no available space for additional *parking* for any future *use*, Rhodes suggested that a condition be applied to this variance. He suggested that a condition to this variance state that this *site plan* remain a furniture business. Fleisher replied that if the *site plan use* changes, the Planning Board has the ability to readdress the change. Rhodes asked if this would create an empty *building*. Fleisher replied that that could be a conceivable condition with any project.

Rhodes asked how the 235 *parking* spaces were arrived at. Fleisher replied that the Town Municipal Code requires a minimum of 3.5 *parking* spaces and a maximum of 5.0 *parking* spaces per thousand square foot for any *retail* business.

Fleisher replied that the *applicant* has indicated that their business does not have a substantial amount of people visiting the store at one time and that the request for fewer *parking* spaces would allow green space to provide for the *lot coverage* and *setback* requirements. Fleisher stated that in his personal point of view "I can't hypothesize about as to what might happen down the *road* if the business were to fail".

Rhodes stated that the variance would establish a non-conforming *lot* that is not consistent with the Zoning Ordinance. That by allowing the variance of 125 *parking* spaces would leave only 3% of the maximum *lot coverage* to be developed. Rhodes stated that the *lot* is too small for the *application*. Fleisher replied that if the variance for the *parking* spaces is not approved the *applicant* would have to apply for a variance for *lot coverage*.

Esty commented that he is concerned that a precedence could be set with this exception and that it would basically be saying that we don't believe in our zoning regulations.

Ormiston expressed his concern with the amount of variances. He was on vacation at the onset of this *application* and through his experience on the Board feels that a project of this complexity should require a *consultant* for the traffic and drainage issues and that the *application* should be tabled until a *consultant* has been secured. Esty commented that he concurs that a *consultant* be hired to review the storm water management and traffic concerns.

Goldberg, one of the *owners* of Raymour & Flanigan, commented that some communities have a separate *parking* space formula for furniture businesses. Esty expressed that he does not have a problem with the smaller number of *parking* spaces now but given the long-term perspective feels a need to be careful about allowing a *building* of significant size, without providing enough *parking* for *use* in the future. Ormiston concurred.

With no further questions or comments, the Planning Board reconvened to the business at hand

**DEAN SUBDIVISION  
CONCEPT PLAT  
TAX PARCEL #66.04-4-20**

Fleisher explained that the purpose for the *subdivision application* is to construct a *two-unit dwelling* on one of the proposed *parcels*. However, dividing this existing *parcel* would create two non-conforming *lots* that would require the *applicant* to submit a request for an area variance to the Zoning Board of Appeals (ZBA).

Esty stated that the *lot* size requirements in this area is 0.57 acres and that these *lots* are 27% less than the required size. He further expressed that the purpose of the Planning Board is to preserve using the Town Municipal Code for the character of community and is concerned with the chipping away of the code in allowing variances. He referenced a construction project in his neighborhood that appears to violate the intent of the zoning *setback* regulations.

Coons, Director of *Building & Planning* for the *Town*, recommended that a *setback* condition be added. The Board agreed that the *application* is in keeping with the character of the neighborhood as there are many other apartments in the area, and that because it abuts an open space (Town Park).

There being no further questions or comments, Fleisher asked for a resolution.

**RESOLUTION P24-2004  
DEAN SUBDIVISION  
CONCEPT PLAT  
TAX PARCEL #66.04-4-20**

Resolution by: Younge  
Seconded by: Piersimoni

WHEREAS this Board has received an *application* from Christopher Dean for *subdivision* of Tax Parcel # 66.04-4-20, a 0.8425-acre *parcel* located at 114 Main Street in the Residential 2 (R2) *district*;

AND WHEREAS there presently exists a *two-unit dwelling*, a barn and *driveway*;

AND WHEREAS the *applicant* proposes to subdivide the *parcel* to create two *parcels* as follows:

- *Parcel A* being 0.4263 acres and will contain the existing *two-unit dwelling* and barn
- *Parcel B* being 0.4162 acres and will be used for construction of a *two-unit dwelling*

AND WHEREAS the *Bulk and Density Control Schedule* of the Town Municipal Code requires 25,000 square feet (0.5739 acres) for a *two-unit dwelling*, and this *subdivision* would create two non-conforming *parcels*;

AND WHEREAS the *Bulk and Density Control Schedule* for the R2 *district* permits maximum *lot coverage* of 20%;

AND WHEREAS the approval of this *subdivision* request would require variances from the Zoning Board of Appeals (ZBA) for having less acreage than required by code;

AND WHEREAS the adjacent *property owners* have been notified pursuant to the Rules of the Planning Board;

THEREFORE BE IT RESOLVED to accept the documents as a concept plat for *subdivision* review;

AND FURTHER RESOLVED that the *applicant shall* submit an *application* to the ZBA for variances to permit *parcels A and B* to be non-conforming;

AND FURTHER RESOLVED that this Board makes the following comments on the facts of this case in relation to the criteria for review of an area variance *application* as set forth in the Town Municipal Code Section 17.60.050:

1. Can benefit be achieved by other means feasible to the *applicant*?  
No.
2. Will there be an undesirable change in the neighborhood character or to nearby properties?  
No.
3. Is the request substantial?  
The *applicant* is proposing a 27% reduction in the required size of the proposed *lots*. This Board finds that this request is a substantial deviation from the *Bulk and Density Control Schedule*. However, this is mitigated by the fact that the open space of the Town Park is adjacent to these *parcels*, creating consistency with neighboring *parcels*.

4. Will the request have adverse physical or environmental effects?

No.

5. Is the alleged difficulty self-created?

Yes.

In summary this Board believes that the granting of the requested area variances will be substantially consistent with the planning objectives of the Town Comprehensive Plan based on comments on the criteria for review as stated above

AND FURTHER RESOLVED that this Board recommends favorable approval of the variances by the ZBA.

AND FURTHER RESOLVED that the *applicant shall* obtain a letter from the Chemung County Health Department stating that a wastewater treatment system will be permitted for the proposed *two-unit dwelling*.

AND FURTHER RESOLVED that this *application* is tabled pending the findings of the Zoning Board of Appeals (ZBA) and further document submission by the *applicant* as required above.

CARRIED: AYES: Piersimoni, Fleisher, Masler, Esty, Younge

NAYS: None

ABSTAIN: Ormiston

ABSENT: None

#### **ARNOT EAST YARD**

#### **OFFICE BUILDING**

#### **PRELIMINARY SITE PLAN**

#### **TAX PARCEL #58.03-1-1.12**

Fleisher described and reviewed the proposed resolution for an office *building* on a site previously approved under *site plan* review as Arnot East Yard.

**Future development** - Piersimoni asked about future plans for developing the East Yard area. Gensel replied that there is a *parcel* adjacent to the *parcel* presently being reviewed by the Board, and a *parcel* east of the new *drive* and NYS Route 17/I-86 Exit 51A. Both *parcels* are vacant and available. Gensel stated that there was originally 8.5 acres total and only 3.5 acres have been developed at this time.

**The East Yard Boundary Lines** - The north boundary line is Colonial Drive, the east boundary line is exit 51A, the south boundary line is NYS Route 17, and the west boundary line is the Arnot Mall loop Road.

**Building Height** - Ormiston made several comments concerning the clarity of the drawings, especially the elevation of the *building* is not clear. James Gensel of Fagan Engineers, representing the *applicant* replied that the proposed office *building* will be 35-36 feet in height. Ormiston asked why there are no entrances or exits shown on the submitted *site plan* drawing. Gensel stated that the drawing only reflected one entrance/exit because the other entrances are fire exits only. There will be one door in the rear of the *building* for the utility room.

**Employees** - The proposed office *building* expects to employ 75 employees.

**Lighting** - Gensel reviewed the photometric drawing submitted as of April 19, 2004. This drawing

demonstrates the proposed lighting and the intensity levels that are well below the maximum intensity. Piersimoni expressed that the low lighting could create a safety concern for the employees. Gensel replied lighting is within the Illumination Association suggestion for typical office area.

**Dumpster** - Gensel replied that Arnot Realty would maintain the site and a dumpster is not proposed. If necessary one would be placed on the west side end of the *drive* with enclosure.

**Fire Hydrant** was discussed and confirmed to be within the 500-foot radius as required by New York State *Building Code*.

**Utilities** – previously installed for existing hotel

**Landscape Plan** – Landscaping drawing was submitted.

**Environmental Assessment Form Part 2**(EAF Part 2) – The Board reviewed and determined that the project will have no significant adverse affect to the environment and a Negative Declaration was issued.

**Drainage** – Gensel stated that the storm water will be discharged to an existing 15' deep pond, that contains no outlet; therefore, all runoff will remain on site.

**Transportation** – Gensel stated that the Traffic Analysis submitted in 1999 was updated.

Fleisher summarized that the proposed resolution would accept this *application* as a final plan.

**RESOLUTION P25-2004**  
**ARNOT EAST YARD**  
**OFFICE *BUILDING***  
**PRELIMINARY *SITE PLAN***  
**TAX *PARCEL* #58.03-1-1.12**

Resolution by: Ormiston

Seconded by: Esty

WHEREAS this Board has received an *application* from the Arnot Realty Corporation for a *site plan* review for construction of a three *story*, 30,000 square foot office *building* as shown on drawings by Fagan Engineers, project #2003-030, dated February 5, 2004;

AND WHEREAS the *development* is proposed to be located on portion of tax *parcel* #58.03-1-1.12 on Colonial Drive. The site is located in the Business Regional *District* (BR), west of 51A of NYS Route 17/I-86 and presently consists of vacant land;

AND WHEREAS in Resolution P1-2000 this Board approved the conceptual plan for the entire *development* of East Yard, and each subsequent *application* for *development* shall be reviewed based on its own merit;

AND WHEREAS the original site *development* approval was based on the construction of three *retail developments* and a hotel/motel, each being located on separate leased *lots* connected and accessed by a private *drive* known as Arnot East Yard Road as shown on plans prepared by the Sear Brown Group;

AND WHEREAS the proposed office *building development* is expected to employ 75 persons, and the entrance/exit to the proposed *development* will be from one *drive* located on Arnot East Yard Road;

AND WHEREAS the Chemung County Planning Board, at its March 18, 2004 meeting, stated that there are no major difficulties or problems that have been identified, and recommends favorable approval by the *Town*;

AND WHEREAS pursuant to Resolution P15-2004, the *applicant* has submitted a detailed landscape plan and lighting plan showing the photometrics of all outside lighting;

AND WHEREAS that the *applicant* has submitted a Traffic Impact Analysis, dated March 4, 2004 showing the impacts to the adjacent *road* network;

THEREFORE BE IT RESOLVED that this *application* be accepted and approved as a Preliminary Plan;

AND FURTHER RESOLVED for environmental review purposes that this Board finds this action to have no significant adverse effect on the environment based on the completed EAF Part 2 and the following findings:

1. IMPACT ON LAND: This project is not expected to result in a significant physical change to the project *site* with the exception of the construction of *buildings, drives, parking lots, utilities* and Storm water Management System. The project area is vacant land with no *large trees*. The *applicant* is proposing not to exceed the maximum allowable *lot coverage* of 70% pursuant to the Town Municipal Code. There are no significant slopes on the Site. The water table is in excess of three feet from the ground surface. There are no unique or unusual landforms.
2. IMPACT ON WATER: The project *site* does contain a detention basin used for storm-water management. The project plan includes a provision for discharging additional storm-water into this basin.
3. IMPACT ON AIR: This project proposes no air discharges and fewer than 1,000 vehicle trips generated in any given hour.
4. IMPACT ON PLANTS AND ANIMALS: No known threatened, non-threatened, or endangered species maintain a habitat on this site.
5. IMPACT ON AGRICULTURAL LAND RESOURCES: Prime agricultural resources do not exist on the site. This site has not been used for farmland in the last 30 years, and is not determined to be an important agriculture resource area identified in the Comprehensive Plan of the *Town*.
6. IMPACT ON AESTHETIC RESOURCES: The *development* at the site is consistent with the requirements of the Town Municipal Code in both *bulk* and *density*. The proposed *development* is adjacent to existing commercial, agricultural, and residential *uses*.
7. IMPACT ON HISTORIC AND ARCHEOLOGICAL RESOURCES: This project site does not contain any known historical and archeological resources.
8. IMPACT ON OPEN SPACE AND RECREATION: Public hunting, fishing, and other public



outdoor recreational opportunities do not exist at the site.

9. IMPACT ON CRITICAL ENVIRONMENTAL AREAS: There are no critical environmental areas located in the *Town*.
10. IMPACT ON TRANSPORTATION: The Plan includes a Traffic Analysis, dated March 4, 2004. The proposed ingress/egress for the office *development* will be accessed via the existing Arnot East Yard Drive that intersects with the interior Arnot *Mall* loop *road* and Colonial Drive. The trip distribution is based on the assumption that the employees will reside in the current local population centers and that they are familiar with the best-suited routes to travel to the site.
11. IMPACT ON ENERGY: This *development* is expected to consume energy at a rate that is less than any of the thresholds that would trigger an impact.
12. NOISE AND ODOR IMPACTS: The project does not include an activity that exceeds the noise restrictions of the Town Municipal Code.
13. IMPACT ON PUBLIC HEALTH: The project is proposed to include the *use* of herbicides and/or pesticides in qualities and types of usage that is typical of other business areas in the *Town*.
14. IMPACT ON GROWTH AND CHARACTER OF THE COMMUNITY OR NEIGHBORHOOD: The Project Plan is consistent with the Town of Big Flats Comprehensive Plan and does not propose an expansion in growth that would exceed 5% of the current population. The *density of use* meets Town Municipal Code requirements and is consistent with the current mix of residential and business *use* in the neighborhood. Concerns regarding traffic are mitigated by the actions proposed in the plan.

AND FURTHER RESOLVED that based on the Findings stated above, this Board determines that this action will have no potential or adverse impact on the environment, and this Board issues a Negative Declaration;

AND FURTHER RESOLVED that this Preliminary Plan is accepted as the Final Plan for the site *development* of this Office *Building* project only;

AND FURTHER RESOLVED that the Final Plan is approved subject to the following conditions:

1. CONSTRUCTION TIME TABLE: A construction time table for this project *shall* be written by the *developer/engineer* and submitted to the Planning Board & *Building* Department, for review and approval prior to the commencement of any construction.
2. MAINTENANCE RESPONSIBILITIES: The *developer shall* maintain the responsibility for the maintenance of all on site storm water drainage *improvement* in perpetuity in such condition as intended by this approval.
3. EROSION CONTROL: *Temporary* erosion control measures *shall* be taken during the entire course of construction as provided for and shown on construction documents. Any erosion prone areas *shall* be made secure with approved control methods immediately upon disturbance of the affected land.
4. AS-BUILT DRAWINGS: The *developer shall* provide the *Town* with as-built drawings,

certified by the Registered *design professional* of any and all *improvements* that deviate from the improved construction drawings. A Certificate of Occupancy *shall* not be issued until the as-built drawings are received.

5. SEEDING: The seeding of all disturbed soils *shall* take place as early in construction as possible. The seeding *shall* be a type of seed appropriate for the grades indicated on the plan, and with the recommendation of the Chemung County Soil and Water Conservation Service. All disturbed areas where seeding has been applied *shall* be mulched to prevent erosion.
6. CONSTRUCTION DEBRIS CONTROL: No restricted Construction & Demolition (C&D) material, as defined by NYSDEC, *shall* be disposed of at the site. All such material *shall* be disposed of at the Chemung County landfill or other appropriate site.
7. NOISE AND DUST DURING CONSTRUCTION: Construction activities that by their nature create excessive noise, such as, but not exclusive of, the operation of heavy earth-moving equipment, grading, and pouring concrete, *shall* occur Monday through Friday between the hours of 7:00 a.m. and 8:00 p.m. All construction equipment *shall* be equipped with mufflers and utilized in such a manner to reduce, to the maximum extent possible, noise and to maintain air quality. During the course of construction, excessive dust *shall* be controlled by water spraying or other method approved by the CEO. The public roadway *shall* be kept free of debris and broom cleaned on a daily basis.
8. SITE PLAN MODIFICATION: Modification or deviation from the approved *Final plan* is permitted only with the prior approval of the Planning Board, except that the *Code Enforcement Officer* (CEO) *may* approve, with prior notification to the Chairman of the Planning Board.
9. LIGHT SPILLAGE: All exterior lighting *shall* be shielded to prevent light spillage off the site and be of a type or design that *shall* prevent excessive glare to vehicle traffic, pedestrians, and air traffic.
10. DRIVE ENTRANCES: The *drive* entrances *shall* be approved by the Chemung County Department of Public Works and the appropriate approvals *shall* be obtained prior to the issuance of any *building permit*.
11. INSPECTIONS: The contractor/engineer *shall* submit an inspection schedule to the Code and Building Department of review and approval. The construction of this project *shall* be subject to inspections in accordance with the International Construction Code.
12. FAILURE TO COMPLY: Failure to comply with these Conditions *shall* constitute a violation of the Town Municipal Code could result in a Stop Work Order.
13. SIGNS: No *signs* have been approved under this *site plan*. Any signage is required to be submitted for approval under *site plan* amendment.
14. LANDSCAPING: All proposed landscaping *shall* be maintained in perpetuity by *property owner*.
15. STORMWATER PREVENTION PLAN: The proposed project will disturb more than one acre and therefore will require a NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity (GP-02-01). A GP-02-01 Permit *must* be maintained during construction. The Permit requires the *development* of a Stormwater Pollution Prevention Plan

(SWPPP). Copies of the SWPPP *must* be forwarded to the Code Enforcement office and also available at the construction site. Weekly construction inspection *must* be performed by a Qualified Professional as defined by NYSDEC and all logs or inspection reports made available at the site upon request of a *Code Enforcement Officer*.

AND FURTHER RESOLVED that any further *development* of Arnot East Yard *shall* be submitted for *site plan* review based on its own merit as required in Resolution P1-2000.

CARRIED: AYES: Piersimoni, Ormiston, Fleisher, Masler, Esty, Young

NAYS: None

ABSTAIN: None

ABSENT: None

**SIMMONS-ROCKWELL RE-SUBDIVISION AND SITE PLAN  
CONCEPT PLAT AND SITE PLAN REVIEW  
TAX PARCEL #67.02-1-3, # 67.02-1-4 and #67.02-1-16**

Fleisher reviewed both *applications* for a *re-subdivision* and *building* addition. The following concerns were discussed:

- The Environmental Protection Agency (EPA) would review a dry well on site. Gensel stated that a copy of the letter would be submitted to the Board.
- Submit a landscaping plan.
- The proposed *parking area* will consist of display of vehicles, service department and employees.
- A signage plan would be submitted.
- Coons asked Gensel to identify the Courser *building* boundary. Gensel replied that there is a gravel *drive* between the two properties.
- Masler asked how far the existing Courser *building* was from the *property* line. Gensel replied that twenty feet would be an approximate distance. Masler asked if there would be a new *drive*. Gensel replied that the *drive* would be the existing *drive* modified and reviewed as part of the traffic study.
- Ormiston requested that an overall master plan be submitted including the proposed *development*.

There being no further questions or comments, Fleisher asked for a resolution.

**RESOLUTION P26-2004  
SIMMONS-ROCKWELL RE-SUBDIVISION  
CONCEPT PLAT  
TAX PARCEL #67.02-1-3, # 67.02-1-4 and #67.02-1-16**

Resolution by: Esty

Seconded by: Masler

WHEREAS the Planning Board has received an *application* from Simmons-Rockwell, for a *re-subdivision* approval of tax *parcels* #67.02-1-3 and #67.02-1-4 and 67.02-1-16 as shown on a *subdivision* plat drawing from Fagan Engineers, project #2003-060, drawing #S-1, dated 4/1/04.

AND WHEREAS *parcel* #67.02-1-3 (1.495 acres), presently consists of an electrical repair shop and other related *structures*; *parcel* #67.02-1-4 (5.001 acres) presently consists of the existing dealership and *parcel* #67.02-1-16 (3.106 acres) presently consists of a drainage swale and former

railroad *property*. The *re-subdivision* of these *parcels* will create one *parcel* containing approximately 9.602 acres;

AND WHEREAS the *applicant* proposes the demolition of the existing *buildings* on tax *parcel* #67.02-1-3 and the construction of a new 10,360 s.f service center to accommodate their new GMC operations and an *application* for said *use* has been submitted by Fagan Engineers on behalf of Simmons-Rockwell, in a document submission package received April 7, 2004.

AND WHEREAS the *Bulk* and *Density* Control Schedule requires a minimum *lot* area of three (3) acres;

AND WHEREAS the adjoining *property owners* have been notified of this *application* pursuant to the rules of the Planning Board;

BE IT THEREFORE RESOLVED that this Board accepts the documentation in this *application* as a Preliminary Plat in accordance with Title 16 of the Town Municipal Code;

AND FURTHER RESOLVED that based on the review of the Short Environmental Assessment Form of SEQRA completed by the *applicant* and this Board, this Board finds no significant potential adverse environmental impact;

AND FURTHER RESOLVED that this *application* be referred to the Chemung *County* Planning Board pursuant to General Municipal Law 239-n as this *property* is located within 500 feet *County* Route 64;

AND FURTHER RESOLVED that a Public Hearing is required for Preliminary Plat of proposed *re-subdivisions* and this Board sets a Public Hearing on the Preliminary Plat for June 1, 2004 at 6:33 P.M. or soon thereafter as practical.

CARRIED: AYES: Younge, Esty, Masler, Fleisher, Ormiston, Piersimoni

NAYS: None

ABSTAIN: None

ABSENT: None

#### **RESOLUTION P27-2004**

#### **SIMMONS-ROCKWELL**

#### **SITE PLAN AMENDMENT**

#### **CONCEPT PLAN**

#### **TAX PARCELS # 67.02-1-3, #67.02-1-4 and #67.02-1-16**

Resolution by: Younge

Seconded by: Ormiston

WHEREAS the Planning Board has received an *application* from Simmons-Rockwell for an amendment for construction of a 10,360 square foot service center addition and related infrastructure on Tax *Parcels* #67.02-1-3, #67.02-1-4 and #67.02-1-16 as shown on a *site plan* drawing by Fagan Engineers, project #2003-060 dated April 1, 2004;

AND WHEREAS the *parcel* is 1.486 acres and is located on the south side of County Route 64 in the Business Regional (BR) *district*, between the existing Simmons-Rockwell dealership and Courser, Inc.;

AND WHEREAS there currently exists two *buildings* and other related *structures* that will be removed for this project;

AND WHEREAS there currently exist several *large trees* on the site and they will be removed for this project;

AND WHEREAS the proposed *development* will include the addition of 98 *parking* spaces and one new *drive* entrance;

AND WHEREAS the proposed construction will be added to the existing dealership, and the construction will be across a *property* line bounding Tax *Parcels* # 67.02-1-3 and 67-02-1-4;

AND WHEREAS the adjacent *property owners* have been notified pursuant to the Rules of the Planning Board;

THEREFORE BE IT RESOLVED that the documents submitted in this *application* be accepted as a concept plan for *site plan* amendment;

AND FURTHER RESOLVED that for environmental review this Board finds action on this *application* to be an Unlisted Action in accordance with 6NYCRR 617.3 and that this Board is the Lead Agency completing an uncoordinated review with information notice of this *application* given to:

- Chemung County Public Works
- Chemung County Health Department
- Chemung County Sewer *District* #1
- Big Flats Fire Department
- Chemung County Planning Board

AND FURTHER RESOLVED that this *application* be referred to the Chemung County Planning Board pursuant to General Municipal Law 239-m as this *property* is located within 500 feet of County Route 64

AND FURTHER RESOLVED that the *applicant shall* submit a revised *site plan* showing the following:

- Location Plan on cover sheet
- Location of other *drive* entrances within 500 feet of the *parcel*
- Traffic Impact Analysis showing the impact to the surrounding *road* network, including Exit 51, the intersection of Chambers and County Route 64
- Storm water management plan
- Correspondence from Environmental Protection Agency regarding site contamination
- Landscape Plan
- 2 full size and 10 half-size drawings of all submitted plans

CARRIED: AYES: Younge, Esty, Masler, Fleisher, Ormiston, Piersimoni

NAYS: None

ABSTAIN: None

ABSENT: None

**BOBBY K ENTERTAINMENT  
SITE PLAN AMENDMENT III  
CONCEPT PLAN  
TAX PARCEL NO.: 66.04-1-6**

Fleisher reviewed the *site plan application* to approve a small storage *building* and additional *parking area* on subject *parcel*. Fleisher asked the Board for questions or comments concerning this *application*. The reasons that the *application* does not comply with the Town Municipal Code were discussed and this *application* as it stands has been denied. The *applicant* will be notified and the option of submitting a new *site plan* complying with the Regulations of the Town Municipal Code.

**RESOLUTION P28-2004**  
**BOBBY K ENTERTAINMENT**  
**SITE PLAN AMENDMENT III**  
**CONCEPT PLAN**  
**TAX PARCEL NO.: 66.04-1-6**

Resolution by: Ormiston  
Seconded by: Younge

WHEREAS the Board has received an *application* from Robert Kramarik *owner* of Bobby K Entertainment for a *site plan* amendment for a small storage *building* and additional *parking area* on tax *parcel* #66.04-1-6;

AND WHEREAS the *property* is 5.151 acres and located at 81 Canal Street in the Town Center (TC) *district*, south of Maple Street;

AND WHEREAS the *applicant* currently operates an off-site entertainment business with on-site offices and storage, and said business was originally approved by the Planning Board in Resolution P73-97, dated November 18, 1997, and in two subsequent resolutions for two additional storage *buildings*;

AND WHEREAS the *applicant* is seeking approval to *use* a 75' x 88' portion of the *lot* adjacent to Maple Street for *parking* of company vehicles, for storage of entertainment equipment, and for a small storage *building* for lawn care equipment, as shown on a concept plan submitted with the *application*;

AND WHEREAS the adjoining *property owners* have been notified of this proposed project pursuant to the Rules of the Planning Board.

AND WHEREAS there will be no new employees or traffic generated as a result of this project;

AND WHEREAS the added impervious surface will be minimal in relation to the size of the *parcel*;

THEREFORE BE IT RESOLVED that this Board finds the location of the proposed *parking* and storage area does not comply with *development* requirements as listed in the Town Municipal Code and is unsuitable for a *parking* and storage *use* for the following reasons:

- The proposed area does not meet the required yard *setbacks* listed in the *Bulk and Density* Control Schedule of the Town Municipal Code.
- The location of the proposed area is located in the front yard of the *parcel* adjacent to Maple Street. Chapter 17.48.010 (J) requires landscaping of *parking areas*. The intent is to provide screening from a public *right-of-way*. Maple Street is elevated above the level of the proposed *parking area* and landscaping would not effectively screen the *use*.

AND FURTHER RESOLVED that the request for a *parking* and storage area as proposed is denied;

AND FURTHER RESOLVED that the *applicant shall* submit a revised *site plan* showing the location of the *parking* and storage area behind the existing *buildings* on the *parcel*, and such plan *shall* provide effective screening pursuant to the Town Municipal Code.

CARRIED: AYES: Younge, Esty, Masler, Fleisher, Ormiston, Piersimoni

NAYS: None

ABSTAIN: None

ABSENT: None

**HOWE RESIDENTIAL SITE PLAN  
CONCEPT PLAN  
TAX PARCEL #97.00-1-23**

Coons asked to address the Board concerning the Town Municipal Code interpretation of Chapter 17.16.050, which refers to the *Bulk* and *Density* requirements regarding density on a *lot*. Part B of Chapter 17.16.050, states that no more than one principal *dwelling unit shall* be permitted on a *lot* without *site plan* approval. Therefore, the Planning Board can approve a second principal *dwelling unit* on a *lot*.

Ormiston expressed the following concerns:

- That the Chemung County Emergency Systems cannot number two principal *structures* on the same *parcel*, and
- That the assessor's system cannot accommodate two principal *structures* on the same *parcel*,
- If the primary *owner* should sell or no longer be the primary *owner*, how would this affect the second principal *owner*?

Ormiston proposed that for the benefit of the community and the *applicant* that the *applicant* subdivide the *property*, and that the *application* fee be applied to a *subdivision application*.

Younge concurred and commented that at the Executive Committee meeting, Ms. Howe stated that their plan was that each of the children could build a house on the same *parcel*. This is a bad precedence.

Coons, in reply to Ormiston's concerns, stated that *property* numbers are determined by *driveways*, not *buildings*, and that the Town Municipal Code does state that two principal *dwelling*s can be allowed by Board approval.

The Board determined that the preferable method for this *application* would be to subdivide the *parcel* for the proposed new construction, thereby achieving the *applicant's* objectives.

**RESOLUTION P29-2004  
HOWE RESIDENTIAL SITE PLAN  
CONCEPT PLAN  
TAX PARCEL #97.00-1-23**

Resolution by: Younge

Seconded by: Piersimoni

WHEREAS this Board has received an *application* for *site plan* review from Robert and Patricia Howe for *site plan* review to permit a second *dwelling unit* on Tax *Parcel* # 97.00-1-23;

AND WHEREAS the *parcel* is located at 93 Bennett Road in the Residential 1 (R1) *district*;

AND WHEREAS Chapter 17.16.050(B) of the Town Municipal Code states “There *shall* be no more than one principal *structure* containing any *dwelling unit* on a *lot* except as *may* be approved under *site plan* review and approval”;

AND WHEREAS the *parcel* is 30 acres and there currently exists a *one-unit dwelling*, and the *applicant* proposes to construct a new *one-unit dwelling*;

THEREFORE BE IT RESOLVED that this Board finds that the preferable method of achieving the *applicant’s* objective is to subdivide the *property* to permit construction of a new *dwelling unit* on a vacant *parcel*;

AND FURTHER RESOLVED that the *application* is denied and that the *applicant shall* submit an *application* for *subdivision* approval to construct a new *dwelling*.

CARRIED: AYES: Younge, Esty, Masler, Fleisher, Ormiston, Piersimoni

NAYS: None

ABSTAIN: None

ABSENT: None

#### **PLANNING BOARD MEMBER VACANCY**

Fleisher introduced Mr. William (Bill) Stewart and as a matter of full disclosure he explained that he knows Mr. Stewart and has a business relationship with him. Mr. Stewart stated his interest in filling the vacancy to the Planning Board. He has a great deal of experience with drainage. He presently is the superintendent for Cold Springs Construction which *building* the new Kahler Road Exit 50 on New York State Route 17/I-86. He feels he can be an asset to the community because his expertise is in utilities, drainage and *road building*.

Fleisher reviewed the mechanics of the Planning Board and asked if Mr. Stewart would have a problem with the meeting schedule. Stewart said that he could arrange his schedule accordingly. Younge asked Stewart if he would be able to make some of the workshops provided to the Planning Board members to keep them informed and trained due to the complexity of the position. Stewart replied that considering his profession, the winter months would be especially convenient for him to attend workshops.

The Planning Board accepted and approved a resolution to be forwarded to the *Town Board* for their consideration in appointing William (Bill) Stewart as a Planning Board member.

#### **RESOLUTION P30-2004**

#### **PLANNING BOARD MEMBER VACANCY**

Resolution by: Fleisher

Seconded by: Esty

WHEREAS the Planning Board currently has one vacancy for an unexpired term due to the resignation of Milton Simpson;



AND WHEREAS this Board has met with William (Bill) Stewart, has expressed his interest in being a member of the Planning Board.

THEREFORE BE IT RESOLVED that the Planning Board recommends to the *Town Board* the appointment of William (Bill) Stewart as a member of the Planning Board to fill the unexpired term ending December 31, 2006.

CARRIED: AYES: Younge, Esty, Masler, Fleisher, Ormiston, Piersimoni

NAYS: None

ABSTAIN: None

ABSENT: None

**COMMENTS:**

- Coons updated the Board as to Raymour & Flanigan's latest changes. Fleisher reviewed the letter received from the Chemung County Sewer *District* and the concerns as to the encroachment of the *building* upon its sewer *easement*. Ormiston reiterated that he strongly suggests hiring a *consultant* for this *application* due to the complexity. Stewart expressed that he is concerned with the maintenance of having a leach field under a *parking area* and the problems that can occur from the sediment off the *parking lot* draining into the system. The Board agreed that a *consultant* be requested at the next meeting.
- Younge and Ormiston commented that they would not be at the next Planning Board Meeting.
- Coons updated the Board on the Chen/Qadeer *application* and that with Dr. Qadeer's signature, which he has agreed to do, the *application* can go forward at the next meeting to subdivide the *property* on Daniel Zenker Road and Palmer Road north.

Meeting adjourned at 9:15 P.M.

Respectfully Submitted

Nancy Van Maarseveen  
Planning Board Secretary

**TOWN OF BIG FLATS PLANNING BOARD  
MINUTES OF MAY 11, 2004**

6:30 P.M.  
REGULAR MEETING  
Conference Room "A"

Present:

Chair - Mark Fleisher  
Angela Piersimoni  
Carl Masler  
Scott Esty  
Bill Stewart

Absent: James Ormiston

Absent: Lee Younge

Guests: Chris Dean, James Knittel, Ken Moss, Carl Tedeschi, Debra Van Patten, Rebecca Feher  
Staff: Dean Frisbie, Chuck Coons

**AGENDA**

The Board agreed to the Agenda as presented.

**WELCOME BILL STEWART AS OUR NEW PLANNING BOARD MEMBER**

**MINUTES**

Fleisher asked the Board if there were any corrections concerning the minutes of April 20, 2004.  
Esty made a motion to accept and approve the minutes of April 20, 2004 as presented, seconded by Masler. All in favor, motion carried.

**X-GEN INC. (Pharma-Tek, Inc.)  
PRELIMINARY SITE PLAN  
TAX PARCEL #67.01-1-3 and 67.01-1-58**

Fleisher reviewed the proposed resolution for Phase I of the construction of a pharmaceutical packaging and manufacturing facility. The Board modified the proposed resolution and voted to approve as modified.

**RESOLUTION P31-2004  
X-GEN INC. (Pharma-Tek, Inc.)  
PRELIMINARY SITE PLAN  
TAX PARCEL #67.01-1-3 and 67.01-1-58**

Resolution by: Piersimoni  
Seconded by: Esty

WHEREAS the Planning Board has received an *application* from Fagan Engineers, representing X-Gen Pharmaceuticals, Inc., formally known as Pharma-Tek, Inc., for a *site plan* amendment for modification of the approved *site plan*, approved in Resolution P147-2003 dated November 4, 2003;

AND WHEREAS Resolution P147-2003 granted approval for construction of a pharmaceutical packaging and manufacturing facility to be constructed in two phases, with a total *building area* of 100,000 square feet.

AND WHEREAS the *parcel* is located south of Daniel Zenker Road and east of Hibbard Road in Airport Corporate Park, and located in the *Airport Business Development (ABD) district*;

AND WHEREAS the revised *site plan* is shown on a plan by Fagan Engineers, drawing 3019-A, dated 8/03, October 2003, revised March 28, 2004 and is modified as follows:

- The *building* was relocated to a higher portion of the site. This will also allow Phase II to be constructed behind (south) of Phase I, thus reducing the footprint visible from Daniel Zenker Drive.
- Phase I will be 45,000 square feet and Phase II will be 55,000 square feet, with total proposed construction remaining at 100,000 square feet
- The employee *parking area* is located in a lower area, thus providing additional screening.
- A freestanding *sign* has been included. Detail drawings of the *sign* have been prepared by the architect and included in this submittal.

AND WHEREAS the *building* and *parking area* are proposed to be located further east on the *lot*, and the stormwater retention area will remain as originally proposed;

AND WHEREAS the proposed *building setbacks*, maximum *lot coverage*, and *parking* spaces continue to meet zoning requirements identified in Title 17 of the Town Municipal Code;

AND WHEREAS that, for environmental review this Board finds that the changes proposed by the *site plan* amendment do not change the significance of any environmental impact reviewed in the original approved *site plan* and therefore the Negative Declaration issued on November 4, 2003 remains;

AND WHEREAS the Chemung County Planning Board pursuant to General Municipal Law 239-m has reviewed this *project* and recommends approval subject to any final conditions that the *Town* may have, or any additional comments Tim Von Neida, Commissioner of Public Works for Chemung County, may have prior to *site plan* approval;

THEREFORE BE IT RESOLVED that this Board accepts the Preliminary Plan for the full *development* of the *tax parcel*;

AND FURTHER RESOLVED that the Board approves and accepts the revised Preliminary Plan as Final Plan for only the *development* of Phase I and approves Phase I Final Plan with the following conditions:

1. For the *development* of Phase II, the traffic impact is to be studied to determine any significant changes from initial assumption in this Preliminary Plan,
2. CONSTRUCTION TIMETABLE: A construction timetable for all *improvements* will be written by the *developer* and submitted to the CEO prior to the commencement of any *construction* for this *development*. This timetable will include scheduled completion dates for

*improvements* and *shall* be submitted to the CEO prior to the issuance of any *building permit* for this site.

3. EROSION CONTROL: The proposed project will disturb more than one acre and therefore will require a NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity (GP-02-01). A GP-02-01 Permit *must* be maintained during construction. The Permit requires the *development* of a Stormwater Pollution Prevention Plan (SWPPP). Copies of the SWPPP *must* be forwarded to the Code Enforcement office and available at the construction site. Weekly construction inspection *must* be performed by a Qualified Professional as defined by NYSDEC and all logs or inspection reports made available at the site upon request of a Code Enforcement Officer.
4. AS-BUILT DRAWINGS: The *developer shall* provide the *Town* with as-built drawings, certified by the *design engineer*, submitted to the CEO for review and approval that include as-built construction drawings of all required *improvements*. No Certificate of Occupancy *shall* be issued until the CEO has received and approved the as-built drawings for the phases of construction approved in this Resolution.
5. SEEDING: The seeding of all disturbed soils *shall* take place as early in construction as possible. The seeding will be a type of seed appropriate for the grades indicated on the plan, and with the recommendation of the Chemung County Soil and Water Conservation District. All disturbed areas where seeding has been applied will be mulched to prevent erosion.
6. CONSTRUCTION DEBRIS CONTROL: No restricted Construction & Demolition (C&D) material, as defined by NYSDEC, will be disposed of at the site. All such material will be disposed of at the Chemung County landfill or any other appropriate site.
7. NOISE AND DUST DURING CONSTRUCTION: Construction activities that by their nature create excessive noise, such as, but not exclusive of, the operation of heavy earthmoving equipment, grading, and pouring concrete, *shall* occur between the hours of 7:00 a.m. and 8:00 P.M., Monday through Saturday. All construction equipment will be equipped with mufflers and utilized in such a manner as to reduce noise to the maximum extent possible and to maintain air quality. During the course of construction, excessive dust *shall* be controlled by water spraying or other method approved by the CEO. The *public road*, Daniel Zenker Road, *shall* be kept free of debris and broom cleaned as required.
8. MODIFICATION: Modification or deviation from the approved Final Plan is permitted only with the prior approval of the Planning Board, except that the CEO *may* approve, with prior notification to the Chairman of the Planning Board, or member of the Planning Board with *temporary* responsibility of the Chairman, a modification of or deviation that produces no significant change in performance as indicated on/in the approved design of the Final Plan and in the conditions of approval set forth in this Resolution.
9. LIGHT SPILLAGE: All outside lighting, including exterior lighting on the *building*, *shall* be shielded to prevent light spillage off the site, either horizontally or vertically and be of a type or design that will prevent excessive glare to traffic, pedestrians, and air traffic. The *applicant shall* provide copies of lighting equipment cuts and a statement from the *design engineer* in regard to the compliance with the Town Municipal Code, Section 17.36.240 as part of any *application* for a *Building Permit* for this site.
10. SIGNS: Only the Freestanding *sign* has been approved for this action. Any additional signage request for this site *shall* be approved only by *site plan* amendment.

11. INSPECTIONS: The construction of this project *shall* be subject to construction inspections of all *improvements*.
12. FAILURE TO COMPLY: Failure to comply with these Conditions *shall* constitute a violation of Town Municipal Code, Section 17.64.040.

AND FURTHER RESOLVED that prior to issuance of a *building permit* for any construction the following *shall* be submitted to the Code Enforcement office:

- Drive cut approval from the Chemung County Department of Public Works,
- Sewer connection approval from Chemung County Sewer District,
- Water connection approval from Big Flats Water Department

AND FURTHER RESOLVED that pursuant to Chapter 17.32.150 of the Town Municipal Code approval of this *site plan* *shall* be valid for a period of one year from the date of the approved final plan;

AND FURTHER RESOLVED that the approval for the full *development* of the tax *parcel* *shall* expire three years from September 9, 2003, which is the effective date of the Environmental Assessment Form (EAF).

CARRIED: AYES: Piersimoni, Masler, Fleisher, Esty, Stewart

NAYS: None

ABSTAIN: None

ABSENT: Ormiston, Younge

**CHEN/QADEER SUBDIVISION PLAT  
CONCEPT PLAT  
TAX PARCEL #66.02-2-28.212**

Fleisher reviewed and described the proposed resolution. Although two *owners* own the *property*, the proposed *subdivision* can be subdivided and acted upon by one *owner*. However, under advisement by the Attorney for the *Town*, the Planning Board obtained a signature from the co-*owner* to ensure the clarity of a title for those involved. The Short Environmental Assessment Form was completed and endorsed by the Chair.

Esty was satisfied with his request for clarification of the dividing line of the *property*. There being no further questions or comments, Fleisher asked for a resolution.

**RESOLUTION P32-2004  
CHEN/QADEER SUBDIVISION PLAT  
CONCEPT PLAT  
TAX PARCEL #66.02-2-28.212**

Resolution by: Masler

Seconded by: Stewart

WHEREAS the Planning Board has received an *application* from Albert K. Chen, co-*owner* of tax *parcel* #66.02-2-28.212, for the *subdivision* approval of this 4.012-acres *parcel* to create the following two *lots*:

- *Parcel A* being a 2.006-acres *lot* containing vacant land, and
- *Parcel B* being 2.006-acres containing vacant land;

AND WHEREAS the proposed *subdivision* is located at the intersection of Daniel Zenker Road and Palmer Road North in the Business Neighborhood 2 (BN2) *District*;

AND WHEREAS the *Bulk and Density* Control Schedule requires one acre for a general or business *use* in the BN2 *District*;

AND WHEREAS the adjoining *property owners* have been notified of this *application* pursuant to the rules of the Planning Board;

THEREFORE BE IT RESOLVED that this Board accepts the documentation in this *application* as a Preliminary Plat in accordance with Title 16 of the Town Municipal Code;

AND FURTHER RESOLVED that, for environmental review this Board finds action on this *application* to be an Unlisted Action in accordance with 6NYCRR 617.3 and that this Board is the Lead Agency completing an uncoordinated review with informational notice of this *application* given to the Chemung County Health Department and the Chemung County Planning Board;

AND FURTHER RESOLVED that, based on the review of the Short Environmental Assessment Form of SEQRA completed by the *applicant* and this Board, this Board finds no significant potential adverse environmental impact and therefore issues a Negative Declaration;

AND FURTHER RESOLVED that this *application* be *referred* to the Chemung County Planning Board pursuant to General Municipal Law 239-n as this *property* is located within 500 feet of *County* Route 63;

AND FURTHER RESOLVED that a Public Hearing is required for the Preliminary Plat of a proposed *subdivision* and this Board sets a Public Hearing on the Preliminary Plat for June 22, 2004 at 6:33 P.M. or soon thereafter as practical.

CARRIED: AYES: Piersimoni, Masler, Fleisher, Esty, Stewart

NAYS: None

ABSTAIN: None

ABSENT: Ormiston, Young

**DEAN SUBDIVISION  
PRELIMINARY PLAT  
TAX PARCEL #66.04-4-20**

Fleisher reviewed the proposed resolution. There being no questions or comments, Fleisher asked for a resolution.

**RESOLUTION P33-2004  
DEAN SUBDIVISION  
PRELIMINARY PLAT  
TAX PARCEL #66.04-4-20**

Resolution by: Piersimoni

Seconded by: Fleisher

WHEREAS this Board has received an *application* from Christopher Dean for *subdivision* of Tax Parcel # 66.04-4-20, a 0.8425-acre *parcel* located at 114 Main Street in the Residential 2 (R2) *district*;

AND WHEREAS there presently exists a *two-unit dwelling*, a barn and *driveway*;

AND WHEREAS the *applicant* proposes to subdivide the *parcel* to create two *parcels* as follows:

- *Parcel A* being 0.4263 acres (18,569 square feet) and will contain the existing *two-unit dwelling* and barn
- *Parcel B* being 0.4162 acres (18,130 square feet) and will be used for construction of a *two-unit dwelling*

AND WHEREAS the *Bulk and Density Control Schedule* of the Town Municipal Code requires 25,000 square feet (0.5739 acres) for a *two-unit dwelling*, and this *subdivision* would create two non-conforming *parcels*;

AND WHEREAS the *Bulk and Density Control Schedule* for the R2 *district* permits maximum *lot coverage* of 20%;

AND WHEREAS the approval of this *subdivision* request would require variances from the Zoning Board of Appeals (ZBA) for having less acreage than required by code;

AND WHEREAS the ZBA has reviewed the variance requests at its May 10, 2004 meeting and has approved both variances;

THEREFORE BE IT RESOLVED to accept the documents as a Preliminary plat for *subdivision* review;

AND FURTHER RESOLVED that the *applicant shall* obtain a letter from the Chemung County Health Department stating that a wastewater treatment system will be permitted for the proposed *two-unit dwelling*;

AND FURTHER RESOLVED that this *application* be *referred* to the Chemung County Planning Board pursuant to General Municipal Law 239-n as this *property* is located within 500 feet of County Route 64;

AND FURTHER RESOLVED that a Public Hearing is required for the Preliminary Plat of a proposed *subdivision* and this Board sets a Public Hearing on the Preliminary Plat for June 22, 2004 at 6:40 P.M. or soon thereafter as practical.

CARRIED: AYES: Piersimoni, Masler, Fleisher, Esty

NAYS: None

ABSTAIN: Stewart

ABSENT: Ormiston, Younge

**HOWE RESIDENTIAL  
PRELIMINARY SUBDIVISION PLAT  
TAX PARCEL #97.00-1-23**

Fleisher reviewed that the Board previously denied the original request for a second principal *dwelling unit* to be located on the 30-acre *parcel*. The *applicant* has since submitted a *Subdivision Application*. The Short Environmental Assessment Form was completed and endorsed.

Esty questioned the *lot* frontage and if it complies with the Town Municipal Code. Coons replied that the frontage is acceptable and is sufficient for a *driveway* to the allowable *lot width*.

Fleisher asked the Board for further questions or comments, there being none, he asked for a resolution.

**RESOLUTION P34-2004**  
**HOWE RESIDENTIAL**  
**PRELIMINARY SUBDIVISION PLAT**  
**TAX PARCEL #97.00-1-23**

Resolution by: Stewart

Seconded by: Esty

WHEREAS the Planning Board has received an *application* from Robert and Patricia Howe, owners of tax *parcel* #97.00-1-23, for the *subdivision* approval of this 30-acre *parcel* to create the following two *lots*:

- *Parcel A* being a 2.0-acre *lot* containing vacant land, and
- *Parcel B* being 28-acres *lot* containing a *one-unit dwelling*;

AND WHEREAS the proposed *subdivision* is located at 93 Bennett Road near Riverwood *Drive* in the Residential 1 (R1) *District*;

AND WHEREAS the *Bulk* and *Density* Control Schedule requires 35,000 square feet for a residential *lot* without public water or sewer;

AND WHEREAS the *applicant* previously submitted a request for a second principal *dwelling unit* on this *parcel* pursuant to Chapter 17.16.050(B) of the Town Municipal Code, and in Resolution P29-2004, dated April 20, 2004, this Board denied said request and required *subdivision* of the *parcel* to permit construction of a *one-unit dwelling*;

AND WHEREAS the adjoining *property owners* have been notified of this *application* pursuant to the rules of the Planning Board;

THEREFORE BE IT RESOLVED that this Board accepts the documentation in this *application* as a Preliminary Plat in accordance with Title 16 of the Town Municipal Code;

AND FURTHER RESOLVED that, for environmental review this Board finds action on this *application* to be an Unlisted Action in accordance with 6NYCRR 617.3 and that this Board is the Lead Agency completing an uncoordinated review with informational notice of this *application* given to the Chemung County Health Department and the Chemung County Planning Board;

AND FURTHER RESOLVED that, based on the review of the Short Environmental Assessment Form of SEQRA completed by the *applicant* and this Board, this Board finds no significant potential adverse environmental impact and therefore issues a Negative Declaration;

AND FURTHER RESOLVED that this *application* be *referred* to the Chemung County Planning Board pursuant to General Municipal Law 239-n;



AND FURTHER RESOLVED that a Public Hearing is required for the Preliminary Plat of a proposed *subdivision* and this Board sets a Public Hearing on the Preliminary Plat for June 22, 2004 at 6:45 P.M. or soon thereafter as practical.

CARRIED: AYES: Stewart, Esty, Fleisher, Masler, Piersimoni

NAYS: None

ABSTAIN: None

ABSENT: Ormiston, Younge

**RAYMOUR & FLANIGAN  
PRELIMINARY SITE PLAN  
TAX PARCEL #66.02-2-31.14**

Fleisher reviewed the proposed resolution. He updated the Board that the *applicants* met with Galin Salisbury of the *County*-Elmira Sewer District, who verbally informed Chuck Coons, Director of Building Inspection and Code Enforcement, that the concerns have been resolved. However, the proposed resolution before the Board would require that the Board receive written comments in regard to the satisfactory resolution concerning the sewer *easement* and further table the *application* pending the review and comments by the *Consultant* for the *Town* on the Traffic and Drainage Impact Studies.

Fleisher asked for questions or comments.

Esty asked if all of the utility *easements* on the *property* have been resolved. The *applicant* replied that the revised *building* plans corrected the other utility *easement* problems and that the only *easement* to be addressed was the sewer *easement*.

Stewart expressed his concern for getting 18-wheelers trucks into the site safely. The *applicant* replied that deliveries to customers are made from the Syracuse location, not out of the store, except for floor sample sales. Merchandise deliveries to the store are done in the morning between 8:00 a.m. – 9:00 a.m. once or twice a week.

Stewart asked about the maintenance of the Storm Water System. The *applicant* replied that there would be water quality ponds to control the sediment before it reached the underground detention.

Fleisher commented that the Planning office would supply the documents requested by the Department of Transportation.

Piersimoni commented that she observed three waste dumpsters being used by the existing Raymour and Flanigan store in Horseheads. The *applicant* responded that as previously stated the stores send all waste products off site and that in this case it *must* be an employee's laziness and that he will note the concern. Fleisher stated that a condition on final approval would state that no dumpsters have been submitted for approval.

Fleisher asked if there were further questions or comments, there being none, he asked for a resolution.

**RESOLUTION P35-2004  
RAYMOUR & FLANIGAN  
PRELIMINARY SITE PLAN  
TAX PARCEL #66.02-2-31.14**

Resolution by: Stewart

Seconded by: Piersimoni

WHEREAS that the this Board has received an *application* from Raymour Furniture Co., Inc., for a *site plan* review for proposed construction of a *retail sales use* being a 67,000 square foot two-story furniture showroom on tax *parcel* #66.02-2-31.14 on Colonial Drive;

AND WHEREAS the *property* is located immediately adjacent to Exit 51A off of Route 17/I86;

AND WHEREAS the *property* is directly adjacent to the Town of Horseheads boundary line;

AND WHEREAS the *property* is located as such that it has two *front yards* with a required *setback* of 25 feet and two *side yards* with a required *setback* of 15 feet;

AND WHEREAS section 17.48.020 of the Town Municipal Code requires four loading berths for this *retail use* based on the square footage of the proposed *building*, and the *applicant* is proposing only one berth;

AND WHEREAS the nature of the business is a furniture showroom, and delivery of furniture will be made from the Syracuse location, therefore eliminating the need for a large storage area and truck access at this site, and the Planning Board *may* modify the requirements based on the scale of the business operation and supporting documentation by the *applicant*;

AND WHEREAS there currently exists utility *easements* on the site including a sanitary and storm sewer *easement*, a fiber optical cable *easement*, and a telephone cable *easement*;

AND WHEREAS the *applicant* is proposing a drainage swale, subsurface detention and discharge of storm water to the *state* drainage swale;

AND WHEREAS the *applicant* is proposing two *drive* entrances approximately 180 feet apart on Colonial Drive;

AND WHEREAS this *application* was reviewed at the March 30, 2004 meeting of this Board and it was determined that three variances would be required from the Zoning Board of Appeals (ZBA) prior to any further action by this Board;

AND WHEREAS the ZBA, at its April 12, 2004 meeting, and again at its April 20, 2004 Special Meeting, determined the following in regards to the three variances:

- **Parking** – In Resolution ZBA 2-04 the ZBA accepted a revised *parking* plan showing 174 *parking* spaces instead of the required 235 spaces and granted relief from Chapter 17.48.010(B)(9).
- **Front Yard Setback** – In Resolution ZBA 3-04 the ZBA granted approval to construct the *building* ten feet closer to the *property* line adjacent to State Route 17/I-86.
- **Signage** – In Resolution ZBA 4-04 the ZBA granted the *applicant* the right to install signage on the façade of the *building* facing the *parking lot* as requested.

AND WHEREAS the *applicant* has submitted the following documents as required in Resolution P22-2004:

- Traffic Impact Study dated April 23, 2004 reviewing the following intersections:
  - Colonial Drive/ Schweizer Road/ Chambers Road
  - Colonial Drive/ Hickory Grove Road

- Colonial Drive/ Arnot Road
- Colonial Drive/ Arnot *Mall* Road
- Colonial Drive/ Colonial Commons Road
- Colonial Drive/ Arnot East Yard Road
- Colonial Drive/ State Route 17 Exit 51A
- Chambers Road/ Arnot Road
- Stormwater Management Plan revised April 27, 2004
- Revised *site plan* dated April 26, 2004, showing *drive* locations within 500' of the *property*.

AND WHEREAS a letter dated April 15, 2004 from the Chemung County Sewer District No. 1 stated its concerns about the existing sewer *easement* on the site, and requested that the *applicant* meet with CCSD to discuss design issues;

AND WHEREAS a letter dated April 19, 2004 from the New York State Department of Transportation stated its concerns about drainage onto *state property* and has requested a hydraulic study for the proposed stormwater being dumped into the New York State drainage system, and a detailed *parking* plan;

THEREFORE BE IT RESOLVED to accept the documents presented as a Preliminary Plan;

AND FURTHER RESOLVED that pursuant to 6NYCRR 617.6b, this Board will be Lead Agency for SEQRA Review, as there has been no challenge from any Involved Agency;

AND FURTHER RESOLVED that this Board finds that the traffic conditions and the drainage conditions are complex and therefore require a *consultant* for the *Town* to review and comment on the Traffic Impact Study and the Drainage Study;

AND FURTHER RESOLVED that a quote has been received from Bergmann Associates for the required study in the amount of \$3900.00, and this Board recommends the *Town Board* enter into agreement with said *consultant* for the purposes of the review;

AND FURTHER RESOLVED that pursuant to Chapter 2.12 of the Town Municipal Code the *applicant shall* deposit with the Town of Big Flats the amount of \$3900.00 to pay for the cost of the *consultant* for the *Town*;

AND FURTHER RESOLVED that the revised *site plan*, Traffic Impact Study and Drainage Study be forwarded to the New York State Department of Transportation and the Chemung County Planning Board for their review and comment;

AND FURTHER RESOLVED that written comment from the Chemung County Sewer District be received regarding resolution of its concerns about the sewer *easement*;

AND FURTHER RESOLVED that this *application* is tabled pending review and comment by the *consultant* for the *Town*.

CARRIED: AYES: Stewart, Esty, Fleisher, Masler, Piersimoni  
NAYS: None

ABSTAIN: None

ABSENT: Ormiston, Younge

**NOTE:** Kent Brown *Site Plan* was removed from the Agenda due to last minute revision to the *application* and due to the *applicant's request*.

**TERRY SUBDIVISION**

**CONCEPT PLAT**

**TAX PARCEL #66.00-1-14 and 66.00-1-18**

Fleisher reviewed the proposed resolution. The Short Environmental Assessment Form was reviewed and completed.

Esty asked if the *applicant* is required to provide an updated *survey* map. Coons replied that prior to final approval the *applicant must* provide an updated *survey* map. The *applicant* is responsible for the filing of the updated *survey* map at the Chemung County Clerk's office.

Fleisher commented that the new deed be submitted as a condition in the final resolution.

**RESOLUTION P36-2004**

**TERRY SUBDIVISION**

**CONCEPT PLAT**

**TAX PARCEL #66.00-1-14 and 66.00-1-18**

Resolution by: Esty

Seconded by: Masler

WHEREAS the Planning Board has received an *application* from Ruth H. Terry, *owner* of tax *parcels* #66.00-1-14 and 66.00-1-18, for approval to subdivide *parcel* #66.00-1-18 into two *parcels* as shown on Boundary *Survey Map*, dated March 9, 1988 and a Sketch Map provided by the *owner*;

AND WHEREAS the proposed *subdivision* is located at Olcott Road North near Hillview Road in the Residential 1 (R1) *District*;

AND WHEREAS *parcel* #66.00-1-18 is 12.014-acres and the *subdivision* approval of this *parcel* will create the following two *lots*:

- *Parcel A* being a 58,006 square foot *lot* containing a *one unit dwelling*, and
- *Parcel B* containing the remaining acreage;

AND WHEREAS the *subdivision* of this *parcel* will create a landlocked *parcel*, thereby requiring the re-*subdivision* of the remaining acreage of *parcel* #66.00-1-18 with *parcel* #66.00-1-14;

AND WHEREAS the *Bulk and Density Control Schedule* requires 35,000 square feet for a residential *lot* without public water or sewer;

AND WHEREAS the adjoining *property owners* have been notified of this *application* pursuant to the rules of the Planning Board;

THEREFORE BE IT RESOLVED that this Board accepts the documentation in this *application* as a Preliminary Plat in accordance with Title 16 of the Town Municipal Code;

AND FURTHER RESOLVED that, for environmental review this Board finds action on this *application* to be an Unlisted Action in accordance with 6NYCRR 617.3 and that this Board is the Lead Agency completing an uncoordinated review with informational notice of this *application* given to the Chemung County Health Department and the Chemung County Planning Board;

AND FURTHER RESOLVED that, based on the review of the Short Environmental Assessment Form of SEQRA completed by the *applicant* and this Board, this Board finds no significant potential adverse environmental impact and therefore issues a Negative Declaration;

AND FURTHER RESOLVED that this *application* be *referred* to the Chemung County Planning Board pursuant to General Municipal Law 239-n as this *property* is located within 500 feet of County Route 61;

AND FURTHER RESOLVED that a Public Hearing is required for the Preliminary Plat of a proposed *subdivision* and this Board sets a Public Hearing on the Preliminary Plat for June 22, 2004 at 6:50 P.M. or soon thereafter as practical.

CARRIED: AYES: Stewart, Esty, Fleisher, Masler, Piersimoni

NAYS: None

ABSTAIN: None

ABSENT: Ormiston, Younge

**DANDY MINI MART  
CONCEPT *SITE PLAN*  
TAX PARCEL #76.00-2-10.2**

Fleisher reviewed the proposed resolution and invited Rebecca Feher, consultant for the *applicant*, to explain what the proposed *application* would entail:

- The addition will include office space, two handicap accessible bathrooms, a food prep area food area,
- The *application* also includes:
  - an additional gas island,
  - 17 *parking* spaces including two handicapped *parking* spaces,
  - the existing kerosene tank will be moved to the side of the *building*,
  - the existing lighting will be moved to the west side of the addition. The only additional lighting would be added to the canopy,
  - two dumpsters presently located on the adjacent property will be relocated onto the *property*.

Ms. Feher stated that the *applicant* estimates that the traffic to increase 20% based on the *applicant's* experience in other locations. The *applicant* would provide customer counts; however, walk-in vs. vehicle traffic is difficult to establish. Ms Feher further estimated that 23 vehicles would be the maximum vehicles on the site at one time. The ingress and egress were discussed and Coons commented that it would be difficult to mitigate. Esty suggested restricting the traffic pattern by proposing curb cuts. Piersimoni asked Coons if the traffic count from the new nearby existing traffic signal on New York State 352 from the Department of Transportation would be of help.

Masler asked about the *lot coverage*. Ms. Feher replied that the total *lot coverage* would be approximately 34%. Esty commented that this *application* is located in the floodplain area and

questioned as to requirements for the fuel tanks. Coons replied that the Department of Environmental Conservation would be notified as an Involved Agency for its review and comment.

There being no further questions or comments, Fleisher asked for a resolution.

**RESOLUTION P37-2004**  
**DANDY MINI MART**  
**CONCEPT SITE PLAN**  
**TAX PARCEL #76.00-2-10.2**

Resolution by: Masler

Seconded by: Piersimoni

WHEREAS this Board has received an *application* from Randy Williams, *owner* of Dandy Mini Marts, Inc., for a *building* expansion on tax *parcel* #76.00-2-10.2, commonly known as 3149 State Route 352, as shown on drawings by Hawk Engineering dated 04/19/2004, project #4012;

AND WHEREAS the *parcel* is located on the south side of State Route 352 in the Business Neighborhood (BN) *district* near the intersection of County Route 64 (Main Street);

AND WHEREAS there currently exists a 3901 square foot block *building* with a *retail sales use*, a fuel-dispensing island with canopy, in-ground fuel storage tanks, an aboveground kerosene-dispensing tank, and 16 *parking* spaces;

AND WHEREAS the *applicant* proposes to construct a 1390 square foot addition, a second fuel dispensing island with canopy, a 2000-gallon in-ground kerosene tank with a new dispensing device, and one additional *parking* space

AND WHEREAS a *retail sales use* is a permitted *use* in the BN *district*. However, this site has never been reviewed by any agency of the Town of Big Flats for compliance with local ordinances, and this *application* is being reviewed under *site plan application* standards to determine compliance with Title 17 of the Town Municipal Code;

AND WHEREAS the proposed additions will be for a pizza and sandwich shop and will include a kitchen area, new restrooms, 2 offices areas, pizza prep counter, sandwich prep counter, and seating for 16 persons;

AND WHEREAS a *retail sales use* is required to have 3.5 *parking* spaces for each 1000 square feet of gross floor area, and based on the total existing and proposed square footage of 5291 square feet the required number of *parking* spaces is 18, and the *applicant* is providing 17;

AND WHEREAS the *applicant* has submitted a Full Environmental Assessment Form;

AND WHEREAS the adjoining *property owners* have been notified pursuant to the Rules of the Planning Board;

THEREFORE BE IT RESOLVED that the documents submitted in this *application* be accepted as a Concept Plan;

AND FURTHER RESOLVED for environmental purposes this Board finds this action to be an Unlisted Action in accordance with 6NYCRR Part 617.5 and this Board intends to be Lead Agency for this action completing a Coordinated Review with the following Involved and Interested Agencies:

Involved Agencies:

New York State Department of Transportation  
Chemung County Department of Public Works  
Chemung County Planning Board  
New York State Department of Environmental Conservation

Interested Agencies:

Big Flats Fire Department  
Town of Big Flats Department of Public Works

AND FURTHER RESOLVED that the Chemung County Health Department be contacted in regards to the potential impacts to the existing on-site wastewater treatment system with the addition of a food establishment, and written comments *shall* be received prior to any final action by this Board;

AND FURTHER RESOLVED that this *application* be referred to the Chemung County Planning Board pursuant to General Municipal Law 239-m as this *property* is located within 500 feet of New York State Route 352;

AND FURTHER RESOLVED that the *applicant shall* submit documentation providing daily traffic counts for the existing business currently under review by this board;

CARRIED: AYES: Piersimoni, Masler, Fleisher, Esty

NAYS: None

ABSTAIN: Stewart

ABSENT: Ormiston, Younge

**COMMENTS:**

- The Executive Committee will meet Thursday, May 28, at 1:00 p.m
- Piersimoni and Younge will not be in attendance for the next Planning Board Meeting

Meeting adjourned at 8:40 P.M.

Respectfully Submitted

Nancy Van Maarseveen  
Planning Board Secretary

**TOWN OF BIG FLATS PLANNING BOARD  
MINUTES OF JUNE 1, 2004**

6:30 P.M.  
REGULAR MEETING  
Main Conference Room

Present:

Chair - Mark Fleisher

Carl Masler

Scott Esty

James Ormiston

Bill Stewart

Lee Younge

Absent - Angela Piersimoni

Guests: James Gensel, Tom Giles  
Staff: Chuck Coons, Dean Frisbie

**AGENDA**

The Board agreed to the Agenda as presented.

**MINUTES**

Fleisher asked the Board if there were any corrections concerning the minutes of May 11, 2004. Stewart requested that his comment state his concern for getting 18-wheeler-trucks into the proposed Raymour and Flanigan site safely. Esty made a motion to accept and approve the minutes of May 11, 2004 as modified, seconded by Masler. Younge and Ormiston abstained. Piersimoni was absent. Fleisher, Masler, Esty and Stewart were in favor, motion carried.

**SIMMONS-ROCKWELL RE-SUBDIVISION**

**PRELIMINARY PLAT**

**TAX PARCEL #67.02-1-3, # 67.02-1-4 and #67.02-1-16**

Fleisher reviewed the proposed resolution to confirm the Public Hearing. There being no questions or comments, Fleisher asked for a resolution.

**RESOLUTION P38-2004**

**SIMMONS-ROCKWELL RE-SUBDIVISION**

**PRELIMINARY PLAT**

**TAX PARCEL #67.02-1-3, # 67.02-1-4 and #67.02-1-16**

Resolution by: Younge

Seconded by: Esty

WHEREAS the Planning Board has received an *application* from Simmons-Rockwell, for a re-*subdivision* approval of tax *parcels* #67.02-1-3 and #67.02-1-4 and 67.02-1-16 as shown on a *subdivision* plat drawing from Fagan Engineers, project #2003-060, drawing #S-1, dated 4/1/04.

AND WHEREAS *parcel* #67.02-1-3 (1.495 acres), presently consists of an electrical repair shop and other related *structures*; *parcel* #67.02-1-4 (5.001 acres) presently consists of the existing dealership and *parcel* #67.02-1-16 (3.106 acres) presently consists of a drainage swale and former



railroad *property*. The *re-subdivision* of these *parcels* will create one *parcel* containing approximately 9.602 acres;

AND WHEREAS the *applicant* proposes the demolition of the existing *buildings* on tax *parcel* #67.02-1-3 and the construction of a new 10,360 s.f service center to accommodate their new General Motors Center (GMC) operations and an *application* for said *use* has been submitted by Fagan Engineers on behalf of Simmons-Rockwell, in a document submission package received April 7, 2004.

AND WHEREAS the *Bulk and Density* Control Schedule requires a minimum *lot area* of three (3) acres;

AND WHEREAS Tim VonNeida, Chemung County Commissioner of Public Works, issued a letter regarding the *site plan* amendment *application* that strongly disapproved of another *drive* entrance onto County Route 64;

AND WHEREAS the Chemung County Planning Board, at its May 20, 2004 meeting, tabled action the referral of this *application* by the Town of Big Flats Planning Board, pending further comments by the Chemung County Commissioner of Public Works;

AND WHEREAS in Resolution P26-2004 dated April 20, 2004, this Board issued a Negative Declaration on the SEQR determination;

AND WHEREAS a Public Hearing has been set for June 1, 2004 at 6:33 p.m.;

THEREFORE BE IT RESOLVED that this Board confirms the Public Hearing on this *re-subdivision* preliminary plat and the business portion of the regular meeting is suspended.

CARRIED: AYES: Stewart, Esty, Younge, Fleisher, Ormiston, Masler

NAYS: none

ABSTAIN: none

ABSENT: Piersimoni

## **PUBLIC HEARING**

### **6:33 P.M. SIMMONS-ROCKWELL RE-SUBDIVISION**

#### **PRELIMINARY PLAT**

#### **TAX PARCEL #67.02-1-3, # 67.02-1-4 and #67.02-1-16**

Chair Fleisher called the Public Hearing to order at 6:39 P.M. He noted that the Public Hearing was duly published in the Elmira Star-Gazette and went on to describe the location, features, and purpose of this proposed *re-subdivision*. He further stated that the purpose of the Public Hearing was to receive public comments on the *application* that is the subject of this Public Hearing. Fleisher asked for comments from those present who wished to speak:

IN FAVOR: none

AGAINST: none

COMMENTS: none

Fleisher closed the Public Hearing at 6:41 P.M. and reconvened the business portion of the regular meeting.

**SIMMONS-ROCKWELL RE-SUBDIVISION  
PRELIMINARY PLAT  
TAX PARCEL #67.02-1-3, # 67.02-1-4 and #67.02-1-16**

Fleisher reviewed the recommendation that the proposed resolution would table the *application* until full review has been completed by all parties involved. The Board discussed the following:

Masler asked for clarification concerning the letter received from the Chemung County Commissioner of Public Works which stated "...that the proposed *drive* violates existing *town* zoning laws related to spacing of *drives* ...." Gensel replied that no minimum distance between *drives* on *County* highways has been established in *Town* Law. Fleisher commented that it was determined that no further action be considered until the *applicant* and the Chemung County Commissioner of Public Works have agreed on a plan. In reply to Masler's question as to the necessity for an additional Public Hearing, it was stated that another Public Hearing would not be necessary.

There being no further questions or comments, Fleisher asked for a resolution.

**RESOLUTION P39-2004  
SIMMONS-ROCKWELL RE-SUBDIVISION  
PRELIMINARY PLAT  
TAX PARCEL #67.02-1-3, # 67.02-1-4 and #67.02-1-16**

Resolution by: Ormiston

Seconded by: Stewart

WHEREAS the Planning Board has received an *application* from Simmons-Rockwell, for a *re-subdivision* approval of tax *parcels* #67.02-1-3 and #67.02-1-4 and 67.02-1-16 as shown on a *subdivision* plat drawing from Fagan Engineers, project #2003-060, drawing #S-1, dated 4/1/04.

AND WHEREAS *parcel* #67.02-1-3 (1.495 acres), presently consists of an electrical repair shop and other related *structures*; *parcel* #67.02-1-4 (5.001 acres) presently consists of the existing dealership and *parcel* #67.02-1-16 (3.106 acres) presently consists of a drainage swale and former railroad *property*. The *re-subdivision* of these *parcels* will create one *parcel* containing approximately 9.602 acres;

AND WHEREAS the *applicant* proposes the demolition of the existing *buildings* on tax *parcel* #67.02-1-3 and the construction of a new 10,360 s.f service center to accommodate their new GMC operations and an *application* for said *use* has been submitted by Fagan Engineers on behalf of Simmons-Rockwell, in a document submission package received April 7, 2004.

AND WHEREAS the *Bulk* and *Density* Control Schedule requires a minimum *lot area* of three (3) acres;

AND WHEREAS Tim VonNeida, Chemung County Commissioner of Public Works, issued a letter regarding the *site plan* amendment *application* that strongly disapproved of another *drive* entrance onto County Route 64;

AND WHEREAS the Chemung County Planning Board, at its May 20, 2004 meeting, tabled action the referral of this *application* by the Town of Big Flats Planning Board, pending further comments by the Chemung County Commissioner of Public Works;

AND WHEREAS in Resolution P26-2004 dated April 20, 2004, this Board issued a Negative Declaration on the SEQR determination;

THEREFORE BE IT RESOLVED that this Board finds that due to the complexity of the *site plan* amendment request associated with this *re-subdivision application*; in consideration of the letter from the Chemung County Commissioner of Public Works; and to give time for the Chemung County Planning Board to fully review and comment on this *application*, this *application* is tabled with consent of the *applicant* until full review of the associated *site plan* amendment *application* is completed.

CARRIED: AYES: Stewart, Younge, Esty, Fleisher, Ormiston, Masler

NAYS: none

ABSTAIN: none

ABSENT: Piersimoni

**SIMMONS-ROCKWELL**

**SITE PLAN AMENDMENT**

**PRELIMINARY PLAN**

**TAX PARCELS # 67.02-1-3, #67.02-1-4 and #67.02-1-16**

Fleisher reviewed the proposed resolution; recommending that the *application* be tabled until the concerns are resolved between the *applicant* and the Chemung County Commissioner of Public Works. Fleisher asked the Board for questions or comments.

**Environmental**

Younge asked Gensel about the Environmental Protection Agency (EPA) report. Gensel explained that the *application* cannot go forward until the EPA has issued a number. Fagan, in conjunction with the EPA, will have their engineers on the site inspecting samples of the dig and on completion verify as to whether the site is clean of hazardous waste. If hazardous wastes were detected, it would be transported to an authorized hazardous waste site and the Department of Environmental Conservation (DEC) would receive copies of the reports.

**Traffic**

Gensel reported that he selected a high-volume time on Saturday to do the traffic counts. This count included the registered golf carts used to travel from the south side of the *road* to the north side of the *road*. He stated that the estimated trip generation was 2 1/2 minutes per car. He explained that the level of service number is defined by how many seconds a vehicle would have to wait before continuing.

Fleisher asked Gensel what he would estimate the number of tractor-trailers that can be expected weekly for deliveries and pickup of vehicles. Gensel offered to provide historical data and an estimation of how the GMC dealership would affect the traffic count.

Esty asked if the Planning Board has any choice regarding the traffic pattern on a *County road*. Gensel replied that the Planning Board would need a technical base to recommend a change in the traffic pattern. Coons commented that under SEQRA, if traffic is identified as being potentially a large impact, then the Board can request the *applicant* to mitigate the problem.

Stewart asked how the need for a traffic signal is determined. Gensel explained that a Traffic Warrant Analysis is required to determine if a traffic signal is considered necessary and that there are *drives* in that area that no Traffic Warrant Analyses has been requested.

Younge suggested that the Planning Board request the *applicant* to provide the Board with more than one option for traffic control. Fleisher stated that one option would be for the Board to retain a *consultant* to determine any alternate traffic plans. Gensel stated that the *applicant* would opt not to use the existing *drive* because they would like to remove the service traffic from their main entrance.

Younge asked Gensel if left hand turns are presently permitted out of the existing main *drive*. Gensel replied that a left turn restriction could be an option for the Board to consider.

Esty asked if Simmons-Rockwell could use the *drive* that exists from the former Electrical Shop. Gensel replied that this *drive* is on an existing non-conforming *lot*; therefore, the *use* is determined by the *subdivision application* that has been submitted for approval.

The Chair recognized Tom Giles, an adjoining business *owner*, who commented that he feels that the biggest issue is the speed on County Route 64 and that it needs to be addressed. Gensel replied that the *Town's* submittal to the Chemung County Department of Transportation (NYS DOT) to reduce the speed was denied. Fleisher added that this *application* could increase the volume of traffic to a degree that the request for a reduction in speed be resubmitted to the *County* (DOT). Gensel commented that he feels that the volume of traffic has peaked in this area.

Esty asked Gensel if the traffic study analyzed the disparity between channeling all of the traffic into one *drive* versus using two *drives*. Gensel referred to the "Asshto Green Book" which determines *drive* spacing by the speed limits of the *road* involved. Gensel reviewed with the Board the existing *drives* on the aerial view map and offered to provide the Board with a larger version of the map.

There being no further questions or comments, Fleisher asked for a resolution to table the *application* pending the report from the Chemung County Commission of Public Works.

**RESOLUTION P40-2004  
SIMMONS-ROCKWELL  
SITE PLAN AMENDMENT  
PRELIMINARY AND FINAL PLAN  
TAX PARCELS # 67.02-1-3, #67.02-1-4 and #67.02-1-16**

Resolution by: Ormiston

Seconded by: Esty

WHEREAS the Planning Board has received an *application* from Simmons-Rockwell for an amendment for construction of a 10,360 square foot service center addition and related infrastructure on Tax *Parcels* #67.02-1-3, #67.02-1-4 and #67.02-1-16 as shown on a *site plan* drawing by Fagan Engineers, project #2003-060 dated April 1, 2004;

AND WHEREAS the *parcel* is 1.495 acres and is located on the south side of County Route 64 in the Business Regional (BR) *district*, between the existing Simmons-Rockwell dealership and Courser, Inc.;

AND WHEREAS there currently exists two *buildings* and other related *structures* that will be removed for this project;

AND WHEREAS several *large trees* on the site have been removed for this project;

AND WHEREAS the *applicant* is adding another dealership, namely GMC vehicles *sales*, to its sales line;

AND WHEREAS additional tractor-trailer truck traffic will be required to make vehicle deliveries to the site;

AND WHEREAS the *applicant* has submitted the following documentation pursuant to Resolution P27-2004:

- A corrected cover sheet showing the location plan
- An ortho-imagery aerial view map (circa 2002) showing the existing site and surrounding businesses
- Landscape Plan
- Traffic Impact Analysis dated May 18, 2004
- Drainage Analysis dated May 18, 2004
- Two full-size and 10 half-size sets of *Site Plan* drawings

AND WHEREAS the *applicant* has submitted a letter from the United States Environmental Protection Agency, addressing environmental issues on the existing Auto Electric Shop *property*;

AND WHEREAS the Traffic Impact Analysis was limited to the existing and proposed *drives* associated with Simmons-Rockwell, due to the relatively low trip generation for the proposed project, as claimed in the engineer report;

AND WHEREAS the existing *drive* presently used by Auto Electric Shop will become the new *drive* for access to the service department and new *vehicle sales* display;

AND WHEREAS the following correspondence has been received regarding this *application*:

- Letter from Betty Johanson, adjoining *property owner*, dated April 27, 2004, requesting more landscaping and less gravel on the Simmons-Rockwell site,
- Letter from Tim VonNeida, Chemung County Commissioner of Public Works, stating his disapproval of the proposed *drive* onto County Route 64, and requesting that this Board require a comprehensive plan for existing and future ingress/egress needs

THEREFORE BE IT RESOLVED that this Board finds that the continued growth and *development* of this *vehicle sales* business generates much traffic and additional consumer traffic will have a potential adverse impact on the surrounding *road* and *drive* network, and thereby concurs with the recommendation of Tim VonNeida, Chemung County Commissioner of Public Works;

AND FURTHER RESOLVED that the *applicant shall* submit a comprehensive plan showing the existing and future ingress and egress needs, and that such plan be submitted to the Chemung County Commissioner of Public Works for review and approval;

AND FURTHER RESOLVED the *applicant shall* submit a count of average weekly tractor-trailer deliveries, sharing historical data and proposed added truck deliveries;

AND FURTHER RESOLVED that this *application* is tabled pending a report from the Chemung County Commissioner of Public Works.

CARRIED: AYES: Masler, Ormiston, Fleisher, Esty, Younge, Stewart

NAYS: none

ABSTAIN: none

ABSENT: Piersimoni

**LOVEJOY SUBDIVISION  
PRELIMINARY PLAT  
TAX PARCEL #98.05-3-18**

Fleisher reviewed the history of the *application*. The Board reviewed the proposed resolution and presented the following comments:

Younge asked Coons if the reason for the *application* is just to remove gravel out of the creek bed. Coons replied that the *applicant* intends to sell his house but would like to retain the creek bed for his *use*.

Fleisher asked if it is feasible to create a *right-of-way* to access across the proposed subdivided *parcel*. Coons replied yes.

Esty asked for further clarification as to why the *application* is being tabled. Fleisher replied that the *applicant* needs to provide a current map and exact location of the *right-of-way*.

There being no further questions or comments, Fleisher asked for a resolution.

**RESOLUTION P41-2004  
LOVEJOY SUBDIVISION  
PRELIMINARY PLAT  
TAX PARCEL #98.05-3-18**

Resolution by: Younge

Seconded by: Ormiston

WHEREAS the Planning Board has received an *application* from Robert E. Lovejoy, *owner* of *parcel* #98.05-3-18 to subdivide the 2.2 acres *property* located at 15 Golden Glow Drive into three *parcels* as shown on a map by William W. Wilkins L.S., dated March 23, 1999 and a sketch map dated December 23, 2003;

- *Parcel 1*, which presently contains a *one-unit dwelling*,
- *Parcel 2*, which presently is a vacant *unbuildable lot* extending from the rear lines of *parcels* 36.2 and 36.1 to the south bank of Hendy Creek,
- *Parcel 3* would be the remainder of the tax *parcel*, comprised largely of the Hendy Creek bed.

AND WHEREAS the proposed *subdivision* is located on Golden Glow Drive near Shady Knoll Drive in the Residential 2 *District* (R2);

AND WHEREAS Chapter 17.16 of the Town Municipal Code (*Bulk and Density Control*

Schedule) requires 15,000 square feet for a residential *lot* without public water and sewer;

AND WHEREAS *parcel 1* will be 90 feet wide at the edge of the *road right-of-way*;

AND WHEREAS *parcel 2* will be landlocked and having no access to a public *right-of-way*, which is in violation of Chapter 16.12.020 of the Town Municipal Code;

AND WHEREAS *parcel 3* will have a 35-foot wide access to Golden Glow Drive, and will not be a *buildable lot*;

AND WHEREAS pursuant to Resolution P2-2004 dated January 6, 2004, this *application* was tabled pending review and clarification of the proposed *subdivision* and access to the potentially landlocked *parcels*;

AND WHEREAS the *applicant* has met with *Town* representatives and the Attorney for the *Town* to discuss a *right-of-way* through *Town* owned *property* on the north side of the creek, and the *Town* has denied said request, and the *applicant* will maintain a *right-of-way* from Golden Glow Drive to *parcel 3* to prevent *parcel 3* from being landlocked;

AND WHEREAS the *applicant* has not submitted a current map for consideration by this Board;

THEREFORE BE IT RESOLVED that this Board finds that *parcel 2* cannot be subdivided, as *parcel 2* would be landlocked;

AND FURTHER RESOLVED that the *applicant shall* submit a current map showing:

- *Parcel 2* merged with *parcel 3* to remain as one *parcel*,
- Proposed location of the *right-of-way* to access the subdivided *parcel*, being *parcels 2* and *3* combined,

AND FURTHER RESOLVED that this *application* be tabled pending receipt of the required documents

CARRIED: AYES: Younge, Esty, Fleisher, Ormiston, Masler

NAYS: none

ABSTAIN: Stewart

ABSENT: Piersimoni

**SILICON CARBIDE PRODUCTS, INC.  
PRELIMINARY *SITE PLAN* AMENDMENT  
TAX PARCEL #57.03-2-12.13**

Fleisher reviewed the previously approved *site plan*. Ormiston asked that it be noted that the *Application* Committee did not have an opportunity to review this new *application* which was submitted a week after the deadline. Coons replied that the project has trucks entering and exiting the site creating safety concerns. Therefore, he discussed the concern with the Chair and it was determined to waive the required waiting period and present the *application* to the Board. The *drive* cut that is being presented in this *application* already exists, but is not presently used. Ormiston suggested that the *application* be forwarded to the *County* Highway Department for review and comments.

Stewart commented that the second *drive* might be an asset. Esty questioned why the additional *drive* would be necessary; why cannot the *drive* on Daniel Zenker Drive be used. Coons replied

that all pedestrian traffic uses the front door from the *parking lot* and the *use*; the *drive* off Daniel Zenker Drive would create truck traffic crossing with pedestrian traffic.

The Board tabled the *application* pending the Director of Building Inspection and Code Enforcement meeting with the *applicant* and determining the feasibility of eliminating the existing truck entrance on Kahler Road and using only the proposed *drive* at the north end of the *property* on Kahler Road.

**RESOLUTION P42-2004**  
**SILICON CARBIDE PRODUCTS, INC.**  
**PRELIMINARY *SITE PLAN* AMENDMENT**  
**TAX *PARCEL* #57.03-2-12.13**

Resolution by: Esty

Seconded by: Younge

WHEREAS this Board has received an *application* from Silicon Carbide for a *Site Plan* amendment for an additional *drive* entrance from Kahler Road North on tax *parcel* # 57.03-2-12.13;

AND WHEREAS the *parcel* is located at 361 Daniel Zenker Road at the intersection of Kahler Road North in the *Airport Business Development (ABD) district*;

AND WHEREAS the *applicant* has received approval for an addition to the existing manufacturing *building* and site modifications in Resolution P18-2004, dated March 30, 2004;

AND WHEREAS the business currently has two *drive* entrances, one from Daniel Zenker Road primarily for automobile traffic, and one from Kahler Road North, primarily for truck access;

AND WHEREAS the *applicant* has stated that the *drive* will be for trucks only; that the need is based on the safety of the trucks entering the site from Kahler Road while other trucks are parked on site; and that the proposed *drive* will permit trucks to access the site without backing onto the *property* from Kahler Road;

AND WHEREAS Chapter 12.12.060(C) of the Town Municipal Code states “No more than two *driveways* to a single commercial establishment entering on one highway *shall* be permitted,” and pursuant to Chapter 12.12 .070 of the Town Municipal Code, an appeal of this provision *shall* be heard by the Zoning Board of Appeals;

THEREFORE BE IT RESOLVED that this Board finds the addition of another *drive* onto the *property* from Kahler Road is not acceptable;

AND FURTHER RESOLVED that prior to any referral by this Board to the Zoning Board of Appeals (ZBA), the *applicant shall* meet with the Director of Building Inspection and Code Enforcement to discuss access to the site from the proposed truck entrance and removing the existing truck entrance on Kahler Road;



AND FURTHER RESOLVED that this *application* is tabled pending review and comment from the Director of Building Inspection and Code Enforcement regarding said meeting.

CARRIED: AYES: Masler, Ormiston, Fleisher, Esty, Younge, Stewart

NAYS: none

ABSTAIN: none

ABSENT: Piersimoni

#### COMMENTS:

##### **DesiWorld Site Plan Application**

- Fleisher informed the Board that he and the Director of Building Inspection and Code Enforcement (Coons) met with Mr. Naseeb, *owner* of DesiWorld, concerning the DesiWorld *Application* deadline. Mr. Naseeb stated that he had recently purchased *property* on Main Street and presented a sketch of a *building* he proposes to construct on the site.
- Fleisher and Coons visited the site. Coons will further meet with Mr. Naseeb to discuss options available per the Town Municipal Code.
- Coons suggested that the Board might want to consider granting Mr. Naseeb an extension to the end of the year on the condition he shows continuous progress that would include a *site plan* submitted by August 2004 with a set deadline of relocate the existing site at 61 Canal Street by the end of the year. Coons will meet with the Attorney for the *Town* to discuss reasonable options and conditions that the Board can impose.
- Ormiston commented that Mr. Naseeb consider hiring a *consultant* to aid his progress and suggested that the original approved *site plan* for a recycling business be reviewed for possible concerns considered at that time.

##### **Raymour and Flanigan Application**

- Coons commented that he received the final review from the *consultant* for the *Town* and that all concerns have been addressed. He feels that any remaining issues can to be addressed at the final approval, which he expects can be placed on the June 22, 2004 Agenda. He further commented that he does not feel that the issue of the two *drives* presents much of a problem.
- Coons would like the Board to consider phasing the *application* to allow the delaying of the back portion of the *parking area* being developed at this time. The *applicant* would still be required to develop the entire site including the substructure. The upper *parking area* could be developed later under an amendment *application*. This would retain more green space until Phase 2 becomes necessary.
- Younge asked how this phasing would affect future *development* if a new *owner* were to acquire the site. Coons replied that it would be a *site plan* condition and thus would transfer to any future *owner*.
- Esty suggested possibly an escrow funding for Phase 2 *development*. Coons commented that a new *developer* would be required to pick up the cost to complete the *parking area*.
- Ormiston commented that he would like clarification as to who exactly owns the *property*. Coons replied that he would check the records and provide this information to the Board.
- Stewart asked what the Planning Board could do concerning the 18-wheeler trucks being able to enter and exit the proposed site. He foresees it as a potential traffic problem. He suggested that the Planning Board consider a nighttime deliveries condition. Fleisher commented that he would review the comments from the *consultant* for the *town* and confirm

if this concern has been addressed and that the Planning Board could place a condition on the final approval. Fleisher then asked Coons if the *consultant* for the *Town* had addressed the concern of the truck traffic backing up into traffic on Colonial Drive. Coons replied that at this time his review of the site has not been completed but would respond to the Board on completion of his review.

**Elmira-Chemung Transportation Plan Meeting on June 9, 2004**

- Younge commented that she possibly will not be available to attend the above referenced meeting. Fleisher commented for those that could attend, that the meeting is expected to be 20-minute long.

**Dandy Mini Mart**

- Coons reviewed with the Board the comments received from the Department of Transportation in a letter dated June 1, 2004. He has submitted the information to the engineer for the *applicant*, has since visited the site, and observed truck deliveries that *may* present a traffic hazard.
- Stewart commented that in many towns nighttime delivery is required.
- The store hours are from 6:00 a.m. to 11:00 p.m.

Meeting adjourned at 8:35 P.M.

Respectfully Submitted

Nancy Van Maarseveeen  
Planning Board Secretary

**TOWN OF BIG FLATS PLANNING BOARD  
MINUTES OF JUNE 22, 2004**

6:30 P.M.  
REGULAR MEETING  
Conference Room "A"

Present:

Chair - Mark Fleisher  
Angela Piersimoni  
Carl Masler  
Scott Esty  
Bill Stewart  
James Ormiston  
Absent: Lee Younge

Guests: Martin Metzger, Mark Witmer, James Gensel, Ken Moss, James Knittel, Chris Dean,  
Heman Fowler, Sean Swindell  
Staff: Dean Frisbie, Chuck Coons, Mary Ann Balland

**AGENDA**

The Board agreed to the Agenda as presented.

**MINUTES**

Fleisher asked the Board if there were any corrections concerning the minutes of June 1, 2004. Masler asked for clarification and revision to the Simmons-Rockwell Preliminary Plat as to whether a Public Hearing would be required if the matter is tabled. Minutes were modified to reflect this correction. Stewart made a motion to accept and approve the minutes of June 1, 2004 as modified, seconded by Masler. Piersimoni abstained, Younge was absent. Fleisher, Masler, Esty, Stewart and Ormiston were in favor, motion carried.

**CHEN/QADEER SUBDIVISION  
PRELIMINARY PLAT  
TAX PARCEL #66.02-2-28.212**

Fleisher reviewed the proposed resolution to confirm the Public Hearing. There being no questions or comments, Fleisher asked for a resolution.

**RESOLUTION P43-2004  
CHEN/QADEER SUBDIVISION  
PRELIMINARY PLAT  
TAX PARCEL #66.02-2-28.212**

Resolution by: Piersimoni  
Seconded by: Esty

WHEREAS the Planning Board has received an *application* from Albert K. Chen, co-owner of tax *parcel* #66.02-2-28.212, for the *subdivision* approval of this 4.012-acres *parcel* to create the following two *lots*:

- *Parcel A* being a 2.006-acres *lot* containing vacant land, and
- *Parcel B* being 2.006-acres containing vacant land;

AND WHEREAS the proposed *subdivision* is located at the intersection of Daniel Zenker Road and Palmer Road North in the Business Neighborhood 2 (BN2) *District*;

AND WHEREAS the *Bulk* and *Density* Control Schedule requires one acre for a general or business *use* in the BN2 *District*;

AND WHEREAS the Chemung County Health Department, in a letter dated May 21, 2004, stated "This Department does not have any interest in this project at this point in time. When the *owner* decides to develop either of the 2 proposed *parcels*, we *may* need to be involved in one or more aspects of the project."

AND WHEREAS the Chemung County Planning Board, at its June 17, 2004 meeting, recommended approval;

AND WHEREAS in Resolution P32-2004, this Board issued a Negative Declaration on the SEQR determination;

AND WHEREAS a Public Hearing has been set for June 22, 2004;

THEREFORE BE IT RESOLVED that this Board confirms the Public Hearing on this *Subdivision* preliminary plat and the business portion of the regular meeting is suspended.

CARRIED: AYES: Stewart, Esty, Fleisher, Ormiston, Masler, Piersimoni

NAYS: None

ABSTAIN: None

ABSENT: Younge

## **PUBLIC HEARING**

### **6:33 P.M. CHEN/QADEER SUBDIVISION PRELIMINARY PLAT TAX PARCEL #66.02-2-28.212**

Chair Fleisher called the Public Hearing to order at 6:40 P.M. He noted that the Public Hearing was duly published in the Elmira Star-Gazette and went on to describe the location, features, and purpose of this proposed *subdivision*. He further stated that the purpose of the Public Hearing was to receive public comments on the *application* that is the subject of this Public Hearing. Fleisher asked for comments from those present who wished to speak:

IN FAVOR: none

AGAINST: none

COMMENTS: none

Fleisher closed the Public Hearing at 6:42 P.M. and reconvened the business portion of the regular meeting.

### **CHEN/QADEER SUBDIVISION PRELIMINARY & FINAL PLAT TAX PARCEL #66.02-2-28.212**

Fleisher reviewed the proposed resolution that would approve the Preliminary Subdivision Plat and would accept the Preliminary Plat as a Final Subdivision Plat with the conditions listed in the

proposed resolution. There being no questions or comments, the proposed resolution was accepted as a final resolution.

**RESOLUTION P44-2004**  
**CHEN/QADEER SUBDIVISION**  
**PRELIMINARY & FINAL PLAT**  
**TAX PARCEL #66.02-2-28.212**

Resolution by: Masler

Seconded by: Ormiston

WHEREAS the Planning Board has received an *application* from Albert K. Chen, co-owner of tax *parcel* #66.02-2-28.212, for the *subdivision* approval of this 4.012-acres *parcel* to create the following two *lots*:

- *Parcel A* being a 2.006-acres *lot* containing vacant land, and
- *Parcel B* being 2.006-acres containing vacant land;

AND WHEREAS the proposed *subdivision* is located at the intersection of Daniel Zenker Road and Palmer Road North in the Business Neighborhood 2 (BN2) *District*;

AND WHEREAS the *Bulk* and *Density* Control Schedule requires one acre for a general or business *use* in the BN2 *District*;

AND WHEREAS the Chemung County Health Department, in a letter dated May 21, 2004, stated "This Department does not have any interest in this project at this point in time. When the *owner* decides to develop either of the 2 proposed *parcels*, we *may* need to be involved in one or more aspects of the project."

AND WHEREAS the Chemung County Planning Board, at its June 17, 2004 meeting, recommended approval;

AND WHEREAS in Resolution P32-2004, this Board issued a Negative Declaration on the SEQR determination;

THEREFORE BE IT RESOLVED that this Board approves the preliminary *subdivision* plat and accepts the preliminary plat as a Final *subdivision* Plat;

AND FURTHER RESOLVED that the Final *subdivision* Plat is approved subject to the following conditions:

- The *applicant shall* submit a current *survey* map to the Planning Board secretary showing the *subdivision* of subject two *parcels* in the form of one Mylar and three original copies.
- The *applicant shall* file the approved *subdivision* plat with the Chemung County Clerk within sixty-two (62) days from the date of endorsement by the Planning Board Chair.
- Failure of the *applicant* to file the final plat with the County Clerk within sixty-two (62) days *shall* cause such final approval to expire pursuant to Chapter 16.08.040(J) of the Town Municipal Code.

CARRIED: AYES: Piersimoni, Masler, Ormiston, Fleisher, Esty, Stewart

NAYS: none

ABSTAIN: none

ABSENT: Younge

**DEAN SUBDIVISION  
PRELIMINARY PLAT  
TAX PARCEL #66.04-4-20**

Fleisher reviewed the proposed resolution. The Short Environmental Assessment Form was completed to determine whether to issue a Negative Declaration.

**RESOLUTION P45-2004  
DEAN SUBDIVISION  
PRELIMINARY PLAT  
TAX PARCEL #66.04-4-20**

Resolution by: Piersimoni  
Seconded by: Masler

WHEREAS this Board has received an *application* from Christopher Dean for *subdivision* of Tax Parcel # 66.04-4-20, a 0.8425-acre *parcel* located at 114 Main Street in the Residential 2 (R2) *district*;

AND WHEREAS there presently exists a *two-unit dwelling*, a barn and *driveway*;

AND WHEREAS the *applicant* proposes to subdivide the *parcel* to create two *parcels* as follows:

- *Parcel A* being 0.4263 acres (18,569 square feet) and will contain the existing *two-unit dwelling* and barn
- *Parcel B* being 0.4162 acres (18,130 square feet) and will be used for construction of a *two-unit dwelling*

AND WHEREAS the *Bulk and Density Control Schedule* of the Town Municipal Code requires 25,000 square feet (0.5739 acres) for a *two-unit dwelling*, and this *subdivision* would create two non-conforming *parcels*;

AND WHEREAS the *Bulk and Density Control Schedule* for the R2 *district* permits maximum *lot coverage* of 20%;

AND WHEREAS the approval of this *subdivision* request would require variances from the Zoning Board of Appeals (ZBA) for having less acreage than required by code;

AND WHEREAS the ZBA has reviewed, the variance requests at its May 10, 2004 meeting and has approved both variances pursuant to Resolution ZBA 5-04;

AND WHEREAS pursuant to Resolution P33-2004, the *applicant* has obtained a Sewage Disposal Permit from the Chemung County Health Department for the proposed *two-unit dwelling*;

AND WHEREAS the Chemung County Planning Board, at its June 17, 2004 meeting, recommended approval;

AND WHEREAS a Public Hearing has been set for June 22, 2004;

THEREFORE BE IT RESOLVED that this Board accepts the documentation in this *application* as a Preliminary Plat in accordance with Title 16 of the Town Municipal Code;

AND FURTHER RESOLVED that, for environmental review this Board finds action on this *application* to be an Unlisted Action in accordance with 6NYCRR 617.3 and that this Board is the Lead Agency completing an uncoordinated review;

AND FURTHER RESOLVED that, based on the review of the Short Environmental Assessment Form of SEQRA completed by the *applicant* and this Board, this Board finds no significant potential adverse environmental impact and therefore issues a Negative Declaration;

AND FURTHER RESOLVED that this Board confirms the Public Hearing on this *Subdivision* preliminary plat and the business portion of the regular meeting is suspended.

CARRIED: AYES: Piersimoni, Masler, Fleisher, Esty, Stewart

NAYS: none

ABSTAIN: Ormiston

ABSENT: Younge

## **PUBLIC HEARING**

### **6:47 P.M. DEAN SUBDIVISION PRELIMINARY PLAT TAX PARCEL #66.04-4-20**

Chair Fleisher called the Public Hearing to order at 6:47 P.M. He noted that the Public Hearing was duly published in the Elmira Star-Gazette and went on to describe the location, features, and purpose of this proposed *subdivision*. He further stated that the purpose of the Public Hearing was to receive public comments on the *application* that is the subject of this Public Hearing. Fleisher asked for comments from those present who wished to speak:

IN FAVOR: Christopher Dean (*applicant*) residing at 25 Main Street in Big Flats commented That the *two-unit dwelling* he intends to build would fit in the character of the neighborhood. He submitted a petition signed by the neighbors supporting his *application*.

AGAINST: Heman Fowler residing at 21 Hammond Street in Big Flats read a letter written by Pamela Farr, who was unable to attend the Public Hearing. The letter was submitted to the Planning Board Secretary.

Mr. Fowler also commented:

- He is concerned with the entrance to the park being extremely busy and has seen near misses relating to vehicle accidents because of the increased traffic on County Route 64 (Main Street).
- This *lot* may be in the Floodplain and that he does not understand why the Board would approve another unit, especially a two-family unit, in a Floodplain area.
- He is against the area variance approval because the *lot* is not big enough and that he questions the sewer system being acceptable for a two-family unit.

COMMENTS: none

Fleisher closed the Public Hearing at 6:59 P.M. and reconvened the business portion of the regular meeting.

**DEAN SUBDIVISION  
PRELIMINARY & FINAL PLAT  
TAX PARCEL #66.04-4-20**

Fleisher reviewed the proposed resolution that if approved would approve the Preliminary Subdivision Plat and accept the Preliminary Plat as a Final Subdivision Plat and the Final Subdivision Plat would include the conditions listed in the proposed resolution.

Esty commented that it is important that the Board pay attention to the neighbors' comments concerning the *parcel* size requirements. These requirements by the *Town* are being excessively reduced to allow two small *parcels* to be segmented. He also expressed his concern with the *building* of a duplex on this small property and feels that it is pushing the limits of the *Town's* character and would like to propose that the proposed resolution be denied.

Dean replied with the following comments:

- He anticipates that the quality of his proposed two-family unit would attract tenants of quality. Fleisher commented that referring to the quality of potential tenants is tenuous ground.
- He reminded the Board that the Zoning Board of Appeals (ZBA) has already granted the variance allowing the construction of a two-family unit on the proposed property,
- As to Mr. Fowler's comments concerning the traffic entering and exiting the park. Dean replied that the traffic only peaks in May and June.
- As to Mr. Fowler's comment concerning the Floodplain issue. Dean replied that the Chemung County Planning Board completed a Floodplain review and determined that there is only a 20' wide section of the *lot* in the Floodplain area.

There being no further questions or comments, Fleisher asked for a resolution.

**RESOLUTION P46-2004  
DEAN SUBDIVISION  
PRELIMINARY & FINAL PLAT  
TAX PARCEL #66.04-4-20**

Resolution by: Piersimoni  
Seconded by: Fleisher

WHEREAS this Board has received an *application* from Christopher Dean for *subdivision* of Tax Parcel # 66.04-4-20, a 0.8425-acre *parcel* located at 114 Main Street in the Residential 2 (R2) *district*;

AND WHEREAS there presently exists a *two-unit dwelling*, a barn and *driveway*;

AND WHEREAS the *applicant* proposes to subdivide the *parcel* to create two *parcels* as follows:

- *Parcel A* being 0.4263 acres (18,569 square feet) and will contain the existing *two-unit dwelling* and barn
- *Parcel B* being 0.4162 acres (18,130 square feet) and will be used for construction of a *two-unit dwelling*

AND WHEREAS the *Bulk* and *Density* Control Schedule of the Town Municipal Code requires 25,000 square feet (0.5739 acres) for a *two-unit dwelling*, and this *subdivision* would create two non-conforming *parcels*;



AND WHEREAS the *Bulk and Density* Control Schedule for the R2 *district* permits maximum *lot coverage* of 20%;

AND WHEREAS the approval of this *subdivision* request would require variances from the Zoning Board of Appeals (ZBA) for having less acreage than required by code;

AND WHEREAS the ZBA has reviewed the variance requests at its May 10, 2004 meeting and has approved both variances pursuant to Resolution ZBA 5-04;

AND WHEREAS pursuant to Resolution P33-2004, the *applicant* has obtained a Sewage Disposal Permit from the Chemung County Health Department for the proposed *two-unit dwelling*;

AND WHEREAS in Resolution P45-2004, this Board issued a Negative Declaration on the SEQR determination;

THEREFORE BE IT RESOLVED that this Board approves the preliminary *subdivision* plat and accepts the preliminary plat as a Final *subdivision* Plat;

AND FURTHER RESOLVED that the Final *subdivision* Plat is approved subject to the following conditions:

- The *applicant shall* submit a current *survey* map to the Planning Board secretary showing the *subdivision* of subject two *parcels* in the form of one Mylar and three original copies.
- The *applicant shall* file the approved *subdivision* plat with the Chemung County Clerk within sixty-two (62) days from the date of endorsement by the Planning Board Chair.
- Failure of the *applicant* to file the final plat with the County Clerk within sixty-two (62) days *shall* cause such final approval to expire pursuant to Chapter 16.08.040(J) of the Town Municipal Code.
- The approved variance in 1981 granting approval for a three-unit *dwelling* on this *parcel* is withdrawn with consent of the *applicant*, and the existing *two-unit dwelling* remains.

CARRIED: AYES: Fleisher, Masler, Piersimoni

NAYS: Esty

ABSTAIN: Ormiston, Stewart

ABSENT Younge

Fleisher declared the three votes as a no decision. Motion to approve the proposed resolution was defeated.

Fleisher asked if the Board would like to modify the proposed resolution for a revote. Esty made a motion to deny the *subdivision*. Fleisher asked for second to that motion. Hearing none, the motion fails for lack of a second.

Dean commented that he does not understand the abstentions. Coons recommended that the *application* be tabled.

Fleisher asked for a motion to table the *application*. Piersimoni made the motion, Stewart seconded. Ormiston, Esty and Stewart abstained. Younge was absent. Piersimoni, Masler and Fleisher were in favor, motion failed.

Fleisher asked for a motion to table the *application* until the July 13, 2004 Planning Board Meeting. Fleisher made a motion to table the resolution, Masler seconded the motion. Ormiston

and Stewart abstained, Younge was absent. Piersimoni, Masler, Fleisher, Esty were in favor, motion carried.

Esty asked what the implications of tabling this *application* represents. Coons replied that it would give him the time to consult with the Attorney for the Town before the next meeting.

**HOWE SUBDIVISION  
PRELIMINARY PLAT  
TAX PARCEL #97.00-1-23**

Fleisher reviewed the proposed resolution to confirm the Public Hearing. There being no questions or comments, Fleisher asked for a resolution.

**RESOLUTION P47-2004  
HOWE SUBDIVISION  
PRELIMINARY PLAT  
TAX PARCEL #97.00-1-23**

Resolution by: Esty

Seconded by: Ormiston

WHEREAS the Planning Board has received an *application* from Robert and Patricia Howe, owners of tax *parcel* #97.00-1-23, for the *subdivision* approval of this 30-acre *parcel* to create the following two *lots*:

- *Parcel A* being a 2.0-acre *lot* containing vacant land, and
- *Parcel B* being 28-acres *lot* containing a *one-unit dwelling*;

AND WHEREAS the proposed *subdivision* is located at 93 Bennett Road near Riverwood *Drive* in the Residential 1 (R1) *District*;

AND WHEREAS the *Bulk* and *Density* Control Schedule requires 35,000 square feet (0.803 acres) for a residential *lot* without public water or sewer;

AND WHEREAS the *applicant* previously submitted a request for a second *principal dwelling unit* on this *parcel* pursuant to Chapter 17.16.050(B) of the Town Municipal Code, and in Resolution P29-2004, dated April 20, 2004, this Board denied said request and required *subdivision* of the *parcel* to permit construction of a *one-unit dwelling*;

AND WHEREAS in Resolution P32-2004, this Board issued a Negative Declaration on the SEQR determination;

AND WHEREAS the Chemung County Department of Health, in a letter dated May 21, 2004, stated that it would be involved with this project when the *applicant* applies for a sewage disposal permit;

AND WHEREAS the Chemung County Planning Department, at its June 17, 2004 meeting, did not have any concerns with approval of the project;

AND WHEREAS a Public Hearing has been set for June 22, 2004;

THEREFORE BE IT RESOLVED that this Board confirms the Public Hearing on this *Subdivision* preliminary plat and the business portion of the regular meeting is suspended.

CARRIED: AYES: Stewart, Esty, Fleisher, Ormiston, Masler, Piersimoni  
NAYS: none  
ABSTAIN: none  
ABSENT: Younge

## **PUBLIC HEARING**

7:07 P.M. **HOWE SUBDIVISION**  
**PRELIMINARY PLAT**  
**TAX PARCEL #97.00-1-23**

Chair Fleisher called the Public Hearing to order at 7:07 P.M. He noted that the Public Hearing was duly published in the Elmira Star-Gazette and went on to describe the location, features, and purpose of this proposed *subdivision*. He further stated that the purpose of the Public Hearing was to receive public comments on the *application* that is the subject of this Public Hearing. Fleisher asked for comments from those present who wished to speak:

IN FAVOR: none  
AGAINST: none  
COMMENTS: none

Fleisher closed the Public Hearing at 7:09 P.M. and reconvened the business portion of the regular meeting.

**HOWE SUBDIVISION**  
**PRELIMINARY & FINAL PLAT**  
**TAX PARCEL #97.00-1-23**

Fleisher reviewed the proposed resolution that would approve the Preliminary *Subdivision* Plat and would accept the Preliminary Plat as a Final *Subdivision* Plat with the conditions listed in the proposed resolution. There being no questions or comments, the proposed resolution was accepted as a final resolution.

**RESOLUTION P48-2004**  
**HOWE SUBDIVISION**  
**PRELIMINARY & FINAL PLAT**  
**TAX PARCEL #97.00-1-23**

Resolution by: Ormiston  
Seconded by: Stewart

WHEREAS the Planning Board has received an *application* from Robert and Patricia Howe, owners of tax *parcel* #97.00-1-23, for the *subdivision* approval of this 30-acre *parcel* to create the following two *lots*:

- *Parcel A* being a 2.0-acre *lot* containing vacant land, and
- *Parcel B* being 28-acres *lot* containing a *one-unit dwelling*;

AND WHEREAS the proposed *subdivision* is located at 93 Bennett Road near Riverwood Drive in the Residential 1 (R1) *District*;

AND WHEREAS the *Bulk and Density* Control Schedule requires 35,000 square feet (0.803 acres) for a residential *lot* without public water or sewer;

AND WHEREAS the *applicant* previously submitted a request for a second principal *dwelling unit* on this *parcel* pursuant to Chapter 17.16.050(B) of the Town Municipal Code, and in Resolution P29-2004, dated April 20, 2004, this Board denied said request and required *subdivision* of the *parcel* to permit construction of a *one-unit dwelling*;

AND WHEREAS in Resolution P32-2004, this Board issued a Negative Declaration on the SEQR determination;

AND WHEREAS the Chemung County Department of Health, in a letter dated May 21, 2004 stated that it would be involved with this project when the *applicant* applies for a sewage disposal permit;

AND WHEREAS the Chemung County Planning Department, at its June 17, 2004 meeting, did not have any concerns with approval of the project;

THEREFORE BE IT RESOLVED that this Board approves the preliminary *subdivision* plat and accepts the preliminary plat as a Final *subdivision* Plat;

AND FURTHER RESOLVED that the Final *subdivision* Plat is approved subject to the following conditions:

- The *applicant* shall submit a current *survey* map to the Planning Board secretary showing the *subdivision* of subject two *parcels* in the form of one Mylar and three original copies.
- The *applicant* shall file the approved *subdivision* plat with the Chemung County Clerk within sixty-two (62) days from the date of endorsement by the Planning Board Chair.
- Failure of the *applicant* to file the final plat with the County Clerk within sixty-two (62) days shall cause such final approval to expire pursuant to Chapter 16.08.040(J) of the Town Municipal Code.

CARRIED: AYES: Piersimoni, Masler, Ormiston, Fleisher, Esty, Stewart

NAYS: none

ABSTAIN: none

ABSENT: Younge

#### **TERRY SUBDIVISION**

#### **PRELIMINARY PLAT**

#### **TAX PARCEL #66.00-1-14 and 66.00-1-18**

Fleisher reviewed the proposed resolution to confirm the Public Hearing. There being no questions or comments, Fleisher asked for a resolution.

#### **RESOLUTION P49-2004**

#### **TERRY SUBDIVISION**

#### **PRELIMINARY PLAT**

#### **TAX PARCEL #66.00-1-14 and 66.00-1-18**

Resolution by: Esty

Seconded by: Ormiston

WHEREAS the Planning Board has received an *application* from Ruth H. Terry, *owner* of tax *parcels* #66.00-1-14 and 66.00-1-18, for approval to subdivide *parcel* #66.00-1-18 into two *parcels*

as shown on Boundary *Survey Map*, dated March 9, 1988 and a Sketch Map provided by the *owner*;

AND WHEREAS the proposed *subdivision* is located at Olcott Road North near Hillview Drive in the Residential 1 (R1) *District*;

AND WHEREAS *parcel* #66.00-1-18 is 12.014-acres and the *subdivision* approval of this *parcel* will create the following two *lots*:

- *Parcel A* being a 58,006 square foot (1.33 acres) *lot* containing a *one unit dwelling*, and
- *Parcel B* containing the remaining acreage;

AND WHEREAS the *subdivision* of this *parcel* will create a landlocked *parcel*, thereby requiring the re-*subdivision* of the remaining acreage of *parcel* #66.00-1-18 with *parcel* #66.00-1-14:

AND WHEREAS the *Bulk and Density Control Schedule* requires 35,000 square feet (0.803 acre) for a residential *lot* without public water or sewer;

AND WHEREAS the Chemung County Health Department, in a letter dated May 21, 2004, stated that "This Department does not have any interest in this project at this point in time. If the *owner* of the *undeveloped parcel* decides to proceed with developing that *parcel*, we *may* need to be involved in one or more aspects of the project";

AND WHEREAS in Resolution P36-2004, this Board issued a Negative Declaration on the SEQR determination;

AND WHEREAS a Public Hearing has been set for June 22, 2004;

THEREFORE BE IT RESOLVED that this Board confirms the Public Hearing on this *Subdivision* preliminary plat and the business portion of the regular meeting is suspended.

CARRIED: AYES: Stewart, Esty, Fleisher, Ormiston, Masler

NAYS: none

ABSTAIN: Piersimoni

ABSENT: Younge

## **PUBLIC HEARING**

7:12 P.M. **TERRY SUBDIVISION**  
**PRELIMINARY PLAT**  
**TAX PARCEL #66.00-1-14 and 66.00-1-18**

Chair Fleisher called the Public Hearing to order at 7:12 P.M. He noted that the Public Hearing was duly published in the Elmira Star-Gazette and went on to describe the location, features, and purpose of this proposed *subdivision*. He further stated that the purpose of the Public Hearing was to receive public comments on the *application* that is the subject of this Public Hearing. Fleisher asked for comments from those present who wished to speak:

IN FAVOR: none

AGAINST: none

COMMENTS: none

Fleisher closed the Public Hearing at 7:14 P.M. and reconvened the business portion of the regular meeting.

**TERRY SUBDIVISION  
PRELIMINARY & FINAL PLAT  
TAX PARCEL #66.00-1-14 and 66.00-1-18**

Fleisher reviewed the proposed resolution that would approve the Preliminary *Subdivision* Plat and would accept the Preliminary Plat as a Final *Subdivision* Plat with the conditions listed in the proposed resolution. There being no questions or comments, the proposed resolution was accepted as a final resolution.

**RESOLUTION P50-2004  
TERRY SUBDIVISION  
PRELIMINARY & FINAL PLAT  
TAX PARCEL #66.00-1-14 and 66.00-1-18**

Resolution by: Ormiston  
Seconded by: Masler

WHEREAS the Planning Board has received an *application* from Ruth H. Terry, *owner* of tax *parcels* #66.00-1-14 and 66.00-1-18, for approval to subdivide *parcel* #66.00-1-18 into two *parcels* as shown on Boundary *Survey Map*, dated March 9, 1988 and a Sketch Map provided by the *owner*;

AND WHEREAS the proposed *subdivision* is located at Olcott Road North near Hillview Drive in the Residential 1 (R1) *District*;

AND WHEREAS *parcel* #66.00-1-18 is 12.014-acres and the *subdivision* approval of this *parcel* will create the following two *lots*:

- *Parcel A* being a 58,006 square foot (1.33 acres) *lot* containing a *one unit dwelling*, and
- *Parcel B* containing the remaining acreage;

AND WHEREAS the *subdivision* of this *parcel* will create a landlocked *parcel*, thereby requiring the re-*subdivision* of the remaining acreage of *parcel* #66.00-1-18 with *parcel* #66.00-1-14;

AND WHEREAS Chapter 17.16 of the Town Municipal Code (*Bulk and Density Control Schedule*) requires 35,000 square feet (0.803 acres) for a residential *lot* without public water or sewer;

AND WHEREAS the Chemung County Health Department, in a letter dated May 21, 2004, stated "This Department does not have any interest in this project at this point in time. If the *owner* of the *undeveloped parcel* decides to proceed with developing that *parcel*, we *may* need to be involved in one or more aspects of the project."

AND WHEREAS in Resolution P36-2004, this Board issued a Negative Declaration on the SEQR determination;

THEREFORE BE IT RESOLVED that this Board approves the preliminary *subdivision* plat and accepts the preliminary plat as a Final *subdivision* Plat;

AND FURTHER RESOLVED that the Final *subdivision* Plat is approved subject to the following conditions:

- The *applicant shall* submit a current *survey* map to the Planning Board secretary showing the *subdivision* of lot 18, and the re-*subdivision* of lots 14 and 18 in the form of one Mylar and three original copies.
- The *applicant shall* file the approved *subdivision* plat with the Chemung County Clerk within sixty-two (62) days from the date of endorsement by the Planning Board Chair.
- Failure of the *applicant* to file the final plat with the County Clerk within sixty-two (62) days *shall* cause such final approval to expire pursuant to Chapter 16.08.040(J) of the Town Municipal Code.

CARRIED: AYES: Masler, Ormiston, Fleisher, Esty, Stewart

NAYS: none

ABSTAIN: Piersimoni

ABSENT: Younge

### **SMITH SUBDIVISION**

#### **CONCEPT PLAT**

**TAX PARCELS #66.04-4-43, #66.04-4-44.21, & #66.04-4-44.24**

Fleisher reviewed the proposed resolution to set a Public Hearing for the Preliminary Plat of this proposed *subdivision*. The Short Environmental Assessment Form was completed to determine whether to issue a Negative Declaration on the *Subdivision Application*.

Ormiston questioned that if the *applicant's* intent of the *subdivision* is to create two *building lots*, who would bear the responsibility of reviewing the fact that this *lot* is within 500' of a public stream. Coons replied that he would check into the concern; however, this stream is not a protected trout stream and that it may be just a matter of notifying an interested or involved agency.

There being no further questions or comments, Fleisher asked for a resolution.

### **RESOLUTION P51-2004**

#### **SMITH SUBDIVISION**

#### **CONCEPT PLAT**

**TAX PARCELS #66.04-4-43, #66.04-4-44.21, & #66.04-4-44.24**

Resolution by: Masler

Seconded by: Stewart

WHEREAS the Planning Board has received an *application* from Michael M. Smith, *owner* of tax *parcels* #66.04-4-43, #66.04-4-44.21, & #66.04-4-44.24, for the re-*subdivision* approval of the three *parcels*, and the subsequent *subdivision*, to create the following two *building lots*:

- *Lot I* being 54,000 square feet
- *Lot II* being 51,000 square feet

AND WHEREAS the existing *parcels* are as follows:

- Tax *Parcel* #66.04-4-43 being 16,875 square foot (0.387 acre) *lot* containing vacant land, and
- Tax *Parcel* #66.04-4-44.24 being 3375 square foot (0.077 acre) *lot* containing vacant land, and
- Tax *Parcel* #66.04-4-44.21 being 48.403 acres containing vacant land;

AND WHEREAS the proposed *subdivision* is located at the corner of Goss Road and Carpenter Road in the Residential 1 (R1) *District*;

AND WHEREAS Chapter 17.16 of the Town Municipal Code (*Bulk and Density Control* Schedule) requires 35,000 square feet (0.803 acre) for a residential *lot* without public water or sewer;

AND WHEREAS the adjoining *property owners* have been notified of this *application* pursuant to the Rules of the Planning Board;

THEREFORE BE IT RESOLVED that this Board accepts the documentation in this *application* as a Preliminary Plat in accordance with Title 16 of the Town Municipal Code;

AND FURTHER RESOLVED that, for environmental review this Board finds action on this *application* to be an Unlisted Action in accordance with 6NYCRR 617.3 and that this Board is the Lead Agency completing an uncoordinated review with informational notice of this *application* given to the Chemung County Health Department and the Chemung County Planning Board;

AND FURTHER RESOLVED that, based on the review of the Short Environmental Assessment Form of SEQRA completed by the *applicant* and this Board, this Board finds no significant potential adverse environmental impact and therefore issues a Negative Declaration;

AND FURTHER RESOLVED that this *application* be *referred* to the Chemung County Planning Board pursuant to General Municipal Law 239-n;

AND FURTHER RESOLVED that a Public Hearing is required for the Preliminary Plat of a proposed *subdivision* and this Board sets a Public Hearing on the Preliminary Plat for August 3, 2004 at 6:33 P.M. or soon thereafter as practical.

CARRIED: AYES: Piersimoni, Masler, Ormiston, Fleisher, Esty, Stewart

NAYS: none

ABSTAIN: none

ABSENT: Younge

### **LOVEJOY SUBDIVISION**

### **PRELIMINARY PLAT**

### **TAX PARCEL #98.05-3-18**

Fleisher reviewed the proposed resolution to set a Public Hearing for the Preliminary Plat of this proposed *subdivision*. The Short Environmental Assessment Form was completed to determine whether to issue a Negative Declaration on the *Subdivision Application*.

It was noted that the applicant would have an *easement* from Golden Glow Drive to access his *property* that includes Hendy Creek. Coons stated that the *applicant* is permitted to remove gravel from the creek. In answer to Piersimoni question, can an individual own a creek; Coons replied yes that an individual could own the land containing a creek.

There being no further questions or comments, Fleisher asked for a resolution.

### **RESOLUTION P52-2004**



**LOVEJOY SUBDIVISION  
PRELIMINARY PLAT  
TAX PARCEL #98.05-3-18**

Resolution by: Ormiston

Seconded by: Esty

WHEREAS the Planning Board has received an *application* from Robert E. Lovejoy, *owner* of *parcel* #98.05-3-18 to subdivide the 2.2 acres *property* located at 15 Golden Glow Drive into three *parcels* as shown on a map by William W. Wilkins, L.S., dated March 23, 1999 and a revised sketch map dated June 17, 2004;

- *Parcel* 1, which presently contains a *one-unit dwelling*,
- *Parcel* 2, would be the remainder of the tax *parcel*, comprised largely of Hendy Creek.

AND WHEREAS the proposed *subdivision* is located on Golden Glow Drive near Shady Knoll Drive in the Residential 2 *District* (R2);

AND WHEREAS Chapter 17.16 of the Town Municipal Code (*Bulk* and *Density* Control Schedule) requires 15,000 square feet (0.344 acre) for a residential *lot* without public water and sewer;

AND WHEREAS *parcel* 1 will be 90-feet wide at the edge of the *road right-of-way*;

AND WHEREAS *parcel* 2 will have a 15-foot wide access through *parcel* 1 to Golden Glow Drive, and will not be a *buildable lot*;

AND WHEREAS pursuant to Resolution P2-2004 dated January 6, 2004, this *application* was tabled pending review and clarification of the proposed *subdivision* and access to the potentially landlocked *parcel*;

AND WHEREAS the *applicant* will maintain a 15-foot wide *right-of-way* access from Golden Glow Drive through *parcel* 1 to *parcel* 2 to prevent *parcel* 2 from being landlocked;

THEREFORE BE IT RESOLVED that this Board accepts the documentation in this *application* as a Preliminary Plat in accordance with Title 16 of the Town Municipal Code;

AND FURTHER RESOLVED that, for environmental review this Board finds action on this *application* to be an Unlisted Action in accordance with 6NYCRR 617.3 and that this Board is the Lead Agency completing an uncoordinated review with informational notice of this *application* given to the Chemung County Health Department and the Chemung County Planning Board;

AND FURTHER RESOLVED that, based on the review of the Short Environmental Assessment Form of SEQRA completed by the *applicant* and this Board, this Board finds no significant potential adverse environmental impact and therefore issues a Negative Declaration;

AND FURTHER RESOLVED that this *application* be *referred* to the Chemung County Planning Board pursuant to General Municipal Law 239-n;

AND FURTHER RESOLVED that a Public Hearing is required for the Preliminary Plat of a proposed *subdivision* and this Board sets a Public Hearing on the Preliminary Plat for August 3, 2004 at 6:40 P.M. or soon thereafter as practical.

CARRIED: AYES: Stewart, Esty, Fleisher, Ormiston, Masler

NAYS: none  
ABSTAIN: Piersimoni  
ABSENT: Younge

**SILICON CARBIDE PRODUCTS, INC.  
PRELIMINARY *SITE PLAN* AMENDMENT  
TAX PARCEL #57.03-2-12.13**

The Board reviewed the proposed resolution and discussed the interpretation of Chapter 12.12.060 of the Town Municipal Code. Coons stated that from what he understands from the previous Director of Building Inspection and Code Enforcement the interpretation of this code would permit corner *parcels* to have two *drives* onto each *road* upon which the *parcel* fronts. Therefore, if the Board agrees with the interpretation, this would negate the need for the *applicant* to seek a variance. The Board modified the proposed resolution from referring the *application* to the Zoning Board of Appeals to tabling the *application* in order to obtain further clarification of the code and its intent.

Masler questioned the distance from the existing truck access drive to the Daniel Zenker Drive and Kahler Road intersection.

Fleisher asked for further comment or discussion. There being none, he asked for a resolution.

**RESOLUTION P53-2004  
SILICON CARBIDE PRODUCTS, INC.  
PRELIMINARY *SITE PLAN* AMENDMENT  
TAX PARCEL #57.03-2-12.13**

Resolution by: Stewart  
Seconded by: Piersimoni

WHEREAS this Board has received an *application* from Silicon Carbide for a *Site Plan* amendment for an additional *drive* entrance from Kahler Road North on tax *parcel* # 57.03-2-12.13;

AND WHEREAS the *parcel* is located at 361 Daniel Zenker Road at the intersection of Kahler Road North in the *Airport Business Development (ABD) district*;

AND WHEREAS the *applicant* has received approval for an addition to the existing manufacturing *building* and site modifications in Resolution P18-2004, dated March 30, 2004;

AND WHEREAS the business currently has two *drive* entrances, one from Daniel Zenker Road primarily for automobile traffic, and one from Kahler Road North, primarily for truck access;

AND WHEREAS the *applicant* has stated that the new *drive* will be for trucks only; that the need is based on the safety of the trucks entering the site from Kahler Road while other trucks are parked on site; and that the proposed *drive* will permit trucks to access the site without backing onto the *property* from Kahler Road;

AND WHEREAS Chapter 12.12.060 of the Town Municipal Code states "No more than two *driveways* to a single commercial establishment entering on one highway *shall* be permitted," and this *parcel* is a corner *lot*, permitting two *driveways* onto each *road* from the *parcel*;

AND WHEREAS Mr. Coons spoke to the former Director of Building Inspection and Code Enforcement, Carl Carson, and Mr. Carson stated that the intent of Chapter 12.12.060 was to permit corner parcels to have two drives onto each road that the parcel fronted on;  
AND WHEREAS in Resolution P42-2004, dated June 1, 2004, this Board tabled action on the *application* pending review and comment by Mr. Coons, Director of Building Inspections and Code Enforcement, regarding a meeting with the *applicant* to discuss the truck access;

AND WHEREAS Mr. Coons, in a memo dated June 14, 2004, commented on his meeting with the *applicant* and his phone conversation with Tim VonNeida, Chemung County Commissioner of Public Works in which Mr. VonNeida indicated approval of the *drive* with the provision that the entry onto Kahler Road be paved;

THEREFORE BE IT RESOLVED that this Board accepts the documents submitted in this *application* as a Preliminary Plan for *site plan* amendment;

AND FURTHER RESOLVED that for environmental review this Board finds action on this *application* to be an Unlisted Action in accordance with 6NYCRR 617.3 and that this Board is the Lead Agency completing an uncoordinated review with information notice of this *application* given to:

- Chemung County Public Works
- Big Flats Fire Department
- Chemung County Planning Board

AND FURTHER RESOLVED that this *application* be referred to the Chemung County Planning Board pursuant to General Municipal Law 239-m as this *property* is located within 500 feet of County Route 63;

AND FURTHER RESOLVED that this *application* is tabled pending review and comment by the Chemung County Planning Board.

CARRIED: AYES: Stewart, Esty, Fleisher, Ormiston, Masler, Piersimoni

NAYS: none

ABSTAIN: none

ABSENT: Younge

**RAYMOUR & FLANIGAN  
PRELIMINARY AND FINAL *SITE PLAN*  
TAX PARCEL #66.02-2-31.14**

Fleisher reviewed the proposed resolution and documents received since the last meeting. After the Environmental Assessment Form Part 2 was completed, Fleisher asked the *applicant* to update the Board on the status of the Verizon utility *easement*. Ken Moss, the *applicant* stated that Verizon agreed that the cable is located in the wrong location and they are presently relocating the cable to the correct location. Verizon will provide the *applicant* with an as-built survey of the new location of the *easement*, and the *applicant* will provide a copy to the Planning Board.

Esty requested that the resolution clarify that phase 1 includes the full *development* of the site with the exception of 74 paved vehicle *parking* spaces that are to be completed in phase 2.

The hours of deliveries were discussed:

- Masler commented that the *applicant* stated that deliveries would occur typically in the morning between 8:00 – 8:30 a.m.
- Ormiston commented that those hours are peak traffic hours in that area.

- Stewart commented that he is still concerned with trucks entering and exiting the proposed site onto Colonial Drive. The *applicant* assured Stewart that the trucks that make deliveries are for the most part 24 ft. to 33 ft. long, not 18-wheeler trucks.
- Stewart questioned that 67,000 square foot of floor space of furniture would seem to require a large volume of truck traffic. The *applicant* stated that he expects only the sale of 6 – 8 pieces of furniture a week off the floor; furniture deliveries are made from other warehouse locations.
- Esty expressed his concern of trucks backing into the site from Colonial Drive.

There being no further questions or comments, Fleisher asked for a resolution.

**RESOLUTION P54-2004**  
**RAYMOUR & FLANIGAN**  
**PRELIMINARY AND FINAL SITE PLAN**  
**TAX PARCEL #66.02-2-31.14**

Resolution by: Masler

Seconded by: Stewart

WHEREAS that the this Board has received an *application* from Raymour Furniture Co., Inc., for a *site plan* review for proposed construction of a *retail sales use* being a 67,000 square foot two-story furniture showroom on tax *parcel* #66.02-2-31.14 on Colonial Drive;

AND WHEREAS the *property* is currently owned by Arnot Realty Corporation, and Raymour and Flanigan intends to purchase the *property* contingent upon *site plan* approval;

AND WHEREAS the *property* is located immediately adjacent to Exit 51A off of Route 17/I86;

AND WHEREAS the *property* is directly adjacent to the Town of Horseheads boundary line;

AND WHEREAS the *property* is located as such that it has two *front yards* with a required *setback* of 25 feet and two *side yards* with a required *setback* of 15 feet;

AND WHEREAS section 17.48.020 of the Town Municipal Code requires four loading berths for this *retail use* based on the square footage of the proposed *building*; however, the Planning Board did modify the requirements to allow one berth in the site plan approval process based on scale of business operation and supporting documentation by the *applicant*;

AND WHEREAS the nature of the business is a furniture showroom, and delivery of furniture will be made from the Syracuse location, therefore eliminating the need for a large storage area and truck access at this site, and the Planning Board modified the requirements in Resolution P22-2004 based on the scale of the business operation and supporting documentation by the *applicant* and acted on in Resolution P34-2004;

AND WHEREAS there currently exists utility *easements* on the site including a sanitary and storm sewer *easement*, a fiber optical cable *easement*, and a telephone cable *easement*;

AND WHEREAS the *applicant* is proposing a drainage swale, subsurface detention and discharge of storm water to the *state* drainage swale;

AND WHEREAS the *applicant* is proposing two *drive* entrances approximately 180 feet apart on Colonial Drive;

AND WHEREAS this *application* was reviewed at the March 30, 2004 meeting of this Board and it was determined that three variances would be required from the Zoning Board of Appeals (ZBA) prior to any further action by this Board;

AND WHEREAS the ZBA, at its April 12, 2004 meeting, and again at its April 20, 2004 Special Meeting, determined the following in regards to the three variances:

- **Parking** – In Resolution ZBA 2-04 the ZBA accepted a revised *parking* plan showing 174 *parking* spaces instead of the required 235 spaces and granted relief from Chapter 17.48.010(B)(9).
- **Front Yard Setback** – In Resolution ZBA 3-04 the ZBA granted approval to construct the *building* ten-feet closer to the *property* line adjacent to *State* Route 17/I-86.
- **Signage** – In Resolution ZBA 4-04 the ZBA granted the *applicant* the right to install signage on the façade of the *building* facing the *parking lot* as requested.

AND WHEREAS the *applicant* has submitted the following documents as required in Resolution P22-2004:

- Traffic Impact Study dated April 23, 2004 reviewing the following intersections:
  - Colonial Drive/ Schweizer Road/ Chambers Road
  - Colonial Drive/ Hickory Grove Road
  - Colonial Drive/ Arnot Road
  - Colonial Drive/ Arnot *Mall* Road
  - Colonial Drive/ Colonial Commons Road
  - Colonial Drive/ Arnot East Yard Road
  - Colonial Drive/ *State* Route 17 Exit 51A
  - Chambers Road/ Arnot Road
- Stormwater Management Plan revised April 27, 2004
- Revised *site plan* dated April 26, 2004, showing *drive* locations within 500' of the *property*.

AND WHEREAS the *consultant* for the *Town*, Bergmann Associates, has completed a review of the traffic and drainage studies, and the *site plan* for the project, and in a letter dated June 21, 2004, stated that their review is complete and recommends special conditions on *site plan* approval;

AND WHEREAS in a letter dated June 22, 2004, the Chemung County Sewer *District* stated that the *applicant* has resolved the encroachment upon the sewer *easement* and all concerns have been met;

AND WHEREAS in a letter dated June 3, 2004 the New York State Department of Transportation stated no objection to the proposed work;

AND WHEREAS the *applicant* has stated that on-site refuse disposal will not occur, therefore a dumpster is not required and there have been no provisions made for a dumpster on-site;

AND WHEREAS the *applicant* has submitted a revised set of documents, dated June 16, 2004, showing phased *development* of the *parcel* to include the following:

- Phase 1 *construction* shall include *parking area* for 100 vehicles and full *development* of the entire site for infrastructure, drainage, *building* construction.
- Phase 2 construction includes additional paved *parking area* for 74 vehicles.

AND WHEREAS the *consultant* for the *Town*, Bergmann Associates, completed their review of the project and proposed that the *site plan* approval be conditioned with the following:

- The *applicant* shall provide verification from Verizon as to the exact location of the *easement* for the buried cable on site.

- All *state* and *county* highway work permits should be secured prior to construction.
- All storm water *structures* be maintained in perpetuity by the *parcel* owner.
- NPEDS permit for earth disturbance required prior to construction.

THEREFORE BE IT RESOLVED that the documents submitted in this *application* be approved as a Preliminary Plan for *site plan* approval;

AND FURTHER RESOLVED for environmental review purposes that this Board makes the following findings based on the completed EAF Part 2:

1. IMPACT ON LAND: This project is not expected to result in a significant physical change to the project *site* with the exception of the construction of *buildings, drives, parking lots*, utilities and Storm water Management System. The project area is vacant land with no *large trees*. The *applicant* is proposing not to exceed the maximum allowable *lot coverage* of 70% pursuant to the Town Municipal Code. There are no significant slopes on the Site. The water table is in excess of three feet from the ground surface. There are no unique or unusual landforms.
2. IMPACT ON WATER: There are no bodies of water on or near this site. A Storm Water Management Plan has been submitted and received for this project. Storm water will be discharged into the ground and into the state storm drainage system.
3. IMPACT ON AIR: This project proposes no air discharges and fewer than 1,000 vehicle trips generated in any given hour.
4. IMPACT ON PLANTS AND ANIMALS: No known threatened, non-threatened, or endangered species maintain a habitat on this site.
5. IMPACT ON AGRICULTURAL LAND RESOURCES: Prime agricultural resources do not exist on the site.
6. IMPACT ON AESTHETIC RESOURCES: The *development* at the site is consistent with the requirements of the Town Municipal Code in both *bulk* and *density*. The proposed *development* is adjacent to existing commercial *uses*.
7. IMPACT ON HISTORIC AND ARCHEOLOGICAL RESOURCES: This project site does not contain any known historical and archeological resources.
8. IMPACT ON OPEN SPACE AND RECREATION: Public hunting, fishing, and other public outdoor recreational opportunities do not exist at the site.
9. IMPACT ON CRITICAL ENVIRONMENTAL AREAS: There are no critical environmental areas located in the *Town*.
10. IMPACT ON TRANSPORTATION: The *applicant* submitted a Traffic Impact Study dated April 23, 2004. The nature of the proposed business is a low generator of traffic, typically does not follow peak traffic hour patterns for retail development. Truck traffic to the site for delivery and pickup is minimal
11. IMPACT ON ENERGY: This *development* is expected to consume energy at a rate that is less than any of the thresholds that would trigger an impact.
12. NOISE AND ODOR IMPACTS: The project does not include an activity that exceeds the

noise restrictions of the Town Municipal Code.

13. IMPACT ON PUBLIC HEALTH: The project is proposed to include the *use* of herbicides and/or pesticides in qualities and types of usage that is typical of other business areas in the *Town*.
14. IMPACT ON GROWTH AND CHARACTER OF THE COMMUNITY OR NEIGHBORHOOD: The Project Plan is consistent with the Town of Big Flats Comprehensive Plan and does not propose an expansion in growth that would exceed 5% of the current population.

AND FURTHER RESOLVED that based on the findings stated above, this Board determines that this action will have no potential significant adverse impact on the environment, and therefore issues a Negative Declaration;

AND FURTHER RESOLVED that this Board favors the proposed phased *development* of the additional 74 *parking* spaces based on the following findings:

- The low traffic generation of a furniture showroom store requires fewer *parking* spaces than are required by the Town Municipal Code, and a variance for fewer spaces was granted by the Zoning Board of Appeals.
- Any change of *use*, other than furniture *retail* sales *use*, requires review by the Planning Board to determine parking spaces required for the new occupant.
- Construction of Phase 2 *parking area* would be reviewed pursuant to a *site plan* amendment to determine consistency with Phase 1 *development* and all regulatory conditions.
- The infrastructure for the full site *development*, including drainage, will be designed and constructed during Phase 1 *development*.
- 13% of the *property* will be covered by impervious surface with the *development* of Phase 2. The phasing of the *development* permits 13% more green space on the *property*, and this Board finds that there is a significant benefit to the community by encouraging more pervious surface, including aesthetics and natural drainage.

AND FURTHER RESOLVED that the Preliminary Plan is accepted as the Final Plan for *site plan* approval;

AND FURTHER RESOLVED that the Final Plan is approved subject to the following conditions:

1. For the *development* of Phase 2 *parking area* the owner shall submit an *application* for *site plan* amendment to determine any significant changes from initial assumptions in this Preliminary Plan,
2. CONSTRUCTION TIMETABLE: A construction timetable for all *improvements* will be written by the *developer* and submitted to the CEO prior to the commencement of any *construction* for this *development*. This timetable will include scheduled completion dates for *improvements* and shall be submitted to the CEO prior to the issuance of any *building permit* for this site.
3. EROSION CONTROL: The proposed project will disturb more than one acre and therefore will require a NYSDEC SPDES General Permit for Storm water Discharges from Construction Activity (GP-02-01). A GP-02-01 Permit *must* be maintained during construction. The Permit requires the *development* of a Storm water Pollution Prevention Plan (SWPPP). Copies of the SWPPP *must* be forwarded to the Code Enforcement office and available at the construction site. Weekly construction inspection *must* be performed by a Qualified Professional as defined

by NYSDEC and all logs or inspection reports made available at the site upon request of a *Code Enforcement Officer*.

4. **AS-BUILT DRAWINGS:** The *developer shall* provide the *Town* with as-built drawings, certified by the *design engineer*, submitted to the CEO for review and approval that include as-built construction drawings of all required *improvements*. No *Certificate of Occupancy shall* be issued until the CEO has received and approved the as-built drawings for the phases of construction approved in this Resolution.
5. **SEEDING:** The seeding of all disturbed soils *shall* take place as early in construction as possible. The seeding will be a type of seed appropriate for the grades indicated on the plan, and with the recommendation of the Chemung County Soil and Water Conservation *District*. All disturbed areas where seeding has been applied will be mulched to prevent erosion.
6. **CONSTRUCTION DEBRIS CONTROL:** No restricted Construction & Demolition (C&D) material, as defined by NYSDEC, will be disposed of at the site. All such material will be disposed of at the Chemung County landfill or any other appropriate site.
7. **NOISE AND DUST DURING CONSTRUCTION:** Construction activities that by their nature create excessive noise, such as, but not exclusive of, the operation of heavy earthmoving equipment, grading, and pouring concrete, *shall* occur between the hours of 7:00 a.m. and 8:00 P.M., Monday through Friday. All construction equipment will be equipped with mufflers and utilized in such a manner as to reduce noise to the maximum extent possible and to maintain air quality. During the course of construction, excessive dust *shall* be controlled by water spraying or other method approved by the CEO. The *public road*, Colonial Drive, *shall* be kept free of debris and broom cleaned as required.
8. **MODIFICATION:** Modification or deviation from the approved Final Plan is permitted only with the prior approval of the Planning Board, except that the CEO *may* approve, with prior notification to the Chairman of the Planning Board, or member of the Planning Board with *temporary* responsibility of the Chairman, a modification of or deviation that produces no significant change in performance as indicated on/in the approved design of the Final Plan and in the conditions of approval set forth in this Resolution.
9. **LIGHT SPILLAGE:** All outside lighting, including exterior lighting on the *building*, *shall* be shielded to prevent light spillage off the site, either horizontally or vertically and be of a type or design that will prevent excessive glare to traffic, pedestrians, and air traffic. The *applicant shall* provide copies of lighting equipment cuts and a statement from the *design engineer* in regard to the compliance with the Town Municipal Code, Section 17.36.240 as part of any *application* for a *Building Permit* for this site.
10. **SIGNS:** Only the *façade* and pylon *signs* have been approved for this action. Any additional signage request for this site *shall* be approved only by *site plan* amendment.
11. **INSPECTIONS:** The construction of this project *shall* be subject to construction inspections of all *improvements*.
12. **FAILURE TO COMPLY:** Failure to comply with these Conditions *shall* constitute a violation of Town Municipal Code, Section 17.64.040.
13. **LANDSCAPING:** A landscape plan, dated June 16, 2004, has been submitted. The owner shall install and maintain all plantings in perpetuity.



14. **SOLID WASTE STORAGE AND REMOVAL REQUIREMENT:** No provision for a dumpster has been approved because the applicant has stated that no onsite refuse disposal will occur regarding this application. Any request for a dumpster shall be made through *site plan* amendment.

AND FURTHER RESOLVED that prior to issuance of a *building permit* for any construction the following *shall* be submitted to the Code Enforcement office:

- *Drive* cut approval from the Chemung County Department of Public Works,
- Sewer connection approval from Chemung County Sewer *District*,
- Water connection approval from Big Flats Water Department
- Verification from Verizon as to the exact location of the utility easement.
- The parcel owner shall maintain the storm water drainage system in perpetuity.

AND FURTHER RESOLVED that, prior to any change in use of the property, this Board shall review the parking requirements for the new use, and subsequently approve or deny the proposed use based on parking requirements.

AND FURTHER RESOLVED that pursuant to Chapter 17.32.150 of the Town Municipal Code approval of this *site plan* *shall* be valid for a period of one year from the date of the approved final plan.

CARRIED: AYES: Stewart, Esty, Fleisher, Ormiston, Masler, Piersimoni

NAYS: none

ABSTAIN: none

ABSENT: Younge

**DRAKE SITE PLAN AMENDMENT  
PRELIMINARY & FINAL  
TAX PARCEL #66.04-3-30.11**

Fleisher reviewed with the Board the proposed resolution and completed a Short Environmental Assessment Form (SEQR) to determine whether to issue a Negative Declaration. Piersimoni, a liaison of the Application Committee, commented that two important questions remained unanswered by the *applicant* on the SEQR Form and that the committee was concerned with trucks being able to turn-around in such a limited area.

Fleisher stated that more information is needed in order to conclude the *application*. The Board expressed the following concerns:

- Fleisher asked Coons what the expected volume of truck traffic and the potential of noise level would be, considering the warehouse is in a semi-residential area. Coons replied that the *applicant* has indicated anywhere from 2 – 7 trucks per day.
- Fleisher questioned as to whether screening of the site be required. Coons replied that the entire area has a natural screening.
- Stewart inquired as to the hours of the business. Sean Swindell, Branch Manager of McJunkin Appalachian, replied that the business is on call 24 hours a day, 7 days a week.
- The site would store paints, glycol and methanol. The storage of methanol requires a separate permit. Stewart expressed his concern with the storage of the methanol and feels that security is necessary. Mr. Swindell replied that a *fence* is being considered for that reason. Dean Frisbie, Town Board Member and Chemung County Sheriff Investigator, explained the seriousness of security of storage of methanol. Piersimoni commented that the fire department should be aware of the chemicals stored on the site.

- Masler suggested that a list of chemicals and how they are stored be submitted to the Board. Stewart explained that there are Federal rules and regulations (MSDS) in how they are to be handled. Fleisher suggested that the Board state in the final resolution the business must maintain compliance to State and Federal Regulations.
- Frisbie commented that additional lighting and fencing be required for security.

Fleisher asked if there was any further discussion. There being none, he asked for a resolution.

**RESOLUTION P55-2004  
DRAKE SITE PLAN AMENDMENT  
PRELIMINARY & FINAL  
TAX PARCEL #66.04-3-30.11**

Resolution by: Esty

Seconded by: Ormiston

WHEREAS the Planning Board has received an *application* for a *site plan* amendment from Robert Drake, *owner* of Tax *Parcel* # 66.04-3-30.11, to use a 170' x 320' area of the *property* for outside storage of gas and oil drilling supplies;

AND WHEREAS the *property* is located at 60 Hammond Street, and is also adjacent to Winters Road, and located in the Commercial Light Industrial (CL) *district*;

AND WHEREAS in Resolution P24-90, dated July 17, 1990, the *applicant* received final approval for a 34,850 square foot warehouse and associated site work;

AND WHEREAS the *tenant*, McJunkin Corp., proposes to grade the area to be used for storage and surface coat with gravel to provide for storage of piping, empty tanks, *road* fabric, meter stations, and other supplies, and to provide for truck turn-around area;

AND WHEREAS the *tenant* proposes to do some on-site drainage diversion, and to modify the entry to the *property* to provide better visibility for ingress/egress of traffic;

AND WHEREAS the *tenant* states the following:

- Existing *outdoor lighting* will be used. No additional lighting is planned.
- Fencing is not planned at this time.
- Existing loading docks will be used.
- No chemical supplies will be stored or sold at this time; however, it will be a future consideration.
- Hours of operation will be 7 a.m. until 5 p.m., with on-call emergency service available.
- Heaviest traffic volume is typically between 7 a.m. and 9 a.m.
- Truck deliveries are made by local common carriers, so there will be no overnight truck traffic or off-hours deliveries.
- Forklift is fueled by propane.
- There will be no fuel storage tanks on site.

AND WHEREAS the adjoining *property owners* have been notified of this *application* pursuant to the Rules of the Planning Board;

THEREFORE BE IT RESOLVED that the documents submitted in this *application* are accepted as a Preliminary Plan;

AND FURTHER RESOLVED that for environmental review this Board finds action on this *application* to be an Unlisted Action in accordance with 6NYCRR 617.3 and that this Board is the Lead Agency completing an uncoordinated review with information notice of this *application* given to:

- Big Flats Fire Department
- Chemung County Planning Board

AND FURTHER RESOLVED that, based on the review of the Short Environmental Assessment Form of SEQRA completed by the *applicant* and this Board, this Board finds no significant potential adverse environmental impact and therefore issues a Negative Declaration;

AND FURTHER RESOLVED that this Board finds that the *applicant* will be disturbing more than one acre of land during site work, thus requiring a Storm water Pollution Prevention Plan (SWPPP) be submitted to the New York State Department of Environmental Conservation (NYSDEC);

AND FURTHER RESOLVED that the Preliminary Plan is approved and accepted as the Final Plan;

AND FURTHER RESOLVED that the final plan is approved subject to the following conditions:

- The *applicant shall* submit a copy of the SWPPP to the Code Enforcement Office,
- The *applicant shall* submit a copy of the New York State Department of Environmental Conservation (NYS DEC) Notice of Intent (NOI) to the *Code Enforcement Office*.
- The tenant shall comply with State and Federal Regulations regarding chemical storage.
- Any additional lighting and fencing shall be approved by site plan amendment.

AND FURTHER RESOLVED approval is subject to receipt of comments from adjoining *property owners* within 30 days hereof. The Town reserves the right to rescind and review the *application* and the approval granted herein upon receipt of negative comments.

CARRIED: AYES: Esty, Fleisher, Ormiston, Masler, Piersimoni

NAYS: none

ABSTAIN: Stewart

ABSENT: Younge

**DESIWORLD GROCERY STORE  
REQUEST FOR EXTENSION OF TIME  
TAX PARCEL NO.: 66.04-1-11**

Fleisher reviewed the proposed resolution and documentation received regarding this application since the last meeting.

Piersimoni inquired as to the legal documentation stating the owner of the property. Esty asked Coons if Mr. Naseeb agreed with the proposed timetable. Coons replied that he wanted to clear the timetable with the Planning Board first, and that Mr. Naseeb has a contractor that has been working with him.

There being no further questions or comments, Fleisher asked for a resolution.

**RESOLUTION P56-2004  
DESIWORLD GROCERY STORE  
REQUEST FOR EXTENSION OF TIME  
TAX PARCEL NO.: 66.04-1-11**

Resolution by: Ormiston

Seconded by: Piersimoni

WHEREAS in Resolution P122-2003 the *owners* of DesiWorld, located at 61 Canal Street were denied approval to have a *retail sales use* at said location and were permitted six (6) months to relocate the business *use*, ending on February 12, 2004;

AND WHEREAS pursuant to Resolution P12-2004 Basit Naseeb, co-owner of DesiWorld, was granted a time extension until May 12, 2004;

AND WHEREAS Mr. Naseeb has purchased *property* located at 58 Main Street in the Town of Big Flats, and intends to build a *structure* on that *property* for the business relocation;

AND WHEREAS Mr. Coons, Director of Building Inspections and Code Enforcement, has met with Mr. Naseeb at the Main Street site to discuss construction details;

AND WHEREAS Mr. Coons has also met with Tom Reed, Attorney for the Town, and Mr. Reed stated that, an extension based on Mr. Naseeb complying with a schedule for document submission, approval, and construction is acceptable;

AND WHEREAS the Planning Board has expressed an interest in permitting the operation of the store at its current location if the *owner* showed progress in relocating the business;

THEREFORE BE IT RESOLVED that for environmental review pursuant to 6NYCRR, part 617, that this action is an administrative action, which is a Type 2 action under SEQRA and no further review is required;

AND FURTHER RESOLVED that this Board finds that Mr. Naseeb is continuing to meet the requirements of this Board to actively relocate the business, and this Board will continue to grant an extension of time to remain in the existing store based on the following time schedule:

- Mr. Naseeb *shall* submit all documentation required for *site plan* review for the *property* located at 58 Main Street by the deadline required for the August 3, 2004 Planning Board meeting.
- Final approval of the *site plan shall* be secured by Mr. Naseeb by the October 5, 2004 Planning Board meeting.
- Legal occupancy of the *building shall* take place not later than February 12, 2005.

AND FURTHER RESOLVED that failure of Mr. Naseeb to adhere to the timetable stated above that the Director of Building Inspections and Code Enforcement *shall* commence action to enforce closure of the business at 61 Canal Street.

CARRIED: AYES: Piersimoni, Masler, Ormiston, Fleisher, Esty, Stewart

NAYS: none

ABSTAIN: none

ABSENT: Younge

**ARNOT REALTY/  
CHAMBERS ROAD PLAZA PHASE II  
WORKSHOP  
TAX PARCEL #57.02-2-57**

The Planning Board received a request from Fagan Engineers to present a workshop concerning the *site plan* for Phase II of the Chambers Plaza project. For historical purposes, Fleisher reviewed

with the Board the Final Resolution P52-2002 for the Arnot Realty Corp./Talbot's *Development* Site Plan Phase I.

James Gensel of Fagan Engineers presented a revised concept of the Site Plan for Phase II.

**Buildings:** Gensel stated that the original *development* was approved for a 77,000 square foot shopping center, including Talbot. The revised *site plan* now is 60,000 square feet, which includes the existing Talbot's, a chain *restaurant* of 6,000 square feet, and power strip of approximately 46,000 square feet. The power strip will consist of specialty retail shops.

**Parking:** Masler requested that the *parking* be shown in more detail and would like to see more landscaping.

**Traffic:** The original Traffic Study was for the 77,000 square feet of *development*; therefore, the original Traffic Study is still valid. Gensel, in reply to a question from the Application Committee concerning the main access drive, explained that the original Traffic Study would be revisited to ensure safe ingress and egress. The main access would be on Chambers Road across from the Chase Pitkin *drive*, which may warrant a traffic signal. The secondary access would be on Schweizer Road. Also included in the square footage is an expansion to Talbot's previously approved for Phase II. Esty proposed that the area from NYS Route 17/I86 to this *site plan* location on Chambers Road be reevaluated. The traffic analysis will be revisited and a turning lane may be considered.

**Drainage:** The drainage analysis was completed based on the full *development* of the site with a 70% *lot coverage* that included Sing Sing Creek. Stewart asked if Sing Sing Creek was considered a trout stream. Gensel replied that because that section of Sing Sing Creek is private property it is not considered a protected stream area.

There were no further questions or comments.

### **SPECIAL MEETING REQUEST FOR AIRPORT CORPORATE PARK SOUTH**

James Gensel of Fagan Engineers requested in a letter dated June 3, 2004 that a Scoping Session meeting at a Planning Board meeting or a separate special meeting be set up to determine the GEIS focus.

<b><u>Meetings Schedule:</u></b>	Meeting:	Transportation Study Briefing
	Presenter:	Bergmann Associates
	Date:	June 28, 2004
	Time:	6 – 7 p.m
	Place:	Big Flats Town Hall Main Conference Room
	Meeting:	Airport Corporate Park South Scoping Session
	Presenter:	James Gensel, Fagan Engineers
	Date:	June 28, 2004
	Time:	7 – 8 p.m
	Place:	Big Flats Town Hall Main Conference Room

### **COMMENTS:**

- Coons addressed the Planning Board regarding Town Municipal Code section 16.04.020(k).

This code section permits the Board to forego the normal procedures for a *re-subdivision*, including the Public Hearing process, if the proposed *re-subdivision* consists solely of simple alteration of *lot lines* with no major changes in lot sizes, access, proposed *roads*, sewage disposal systems and/or public facilities. Fleisher asked if it would give the Planning Board review power in the future if the *use* changes. Coons replied that this would not affect the site plan process. Masler questioned if it could create a non-conforming lot. Coons stated that this is a concern.

Meeting adjourned at 9:30 P.M.

Respectfully Submitted

Nancy Van Maarseveen  
Planning Board Secretary

**TOWN OF BIG FLATS PLANNING BOARD  
MINUTES OF JUNE 28, 2004**

7:00 P.M.  
SPECIAL MEETING  
Main Conference Room

Present:

Chair - Mark Fleisher  
Angela Piersimoni  
Carl Masler  
Scott Esty  
Bill Stewart  
James Ormiston  
Absent: Lee Younge

Guests: George Miner, James Gensel  
Staff: Chuck Coons, Leonard Kaner

**SPECIAL MEETING REQUEST FOR  
AIRPORT CORPORATE PARK (ACP) SOUTH**

James Gensel of Fagan Engineers requested in a letter dated June 3, 2004 that an informal Scoping Session be set up to determine the GEIS focus.

**History:**

Gensel stated that on May 28, 2002, the Chemung County IDA (CCIDA) requested and received approval to rezone ACP South from Business Non-Retail (BNR) to Airport Business Development (ABD).

**Purpose:**

Gensel distributed Part 2 of the Long Environmental Assessment Form (EAF) – *Project Impacts and Their Magnitude Form* to all in attendance to request approval of a Generic Environmental Impact Statement (GEIS) and Master Plan to assist in developing a standardized method of approving individual projects in ACP South.

Gensel stated that the GEIS Form would determine the mitigation or improvements needed and reviewed his determination with the Board as follows:

1. Impact on Land - **Yes**
  - Due to the construction of a paved parking area for 1,000 or more vehicles
  - Construction that will continue for more than one year or involve more than one phase or stage

Esty asked if this GEIS deals with each building individually or the entire project. Gensel replied that this GEIS Study is for the entire development, and the environmental review for each project will refer back to this statement to confirm if still valid and conforms to the final GEIS. An example is requiring a detention basin being constructed when 50% of the development has been completed.

2. Impact on Water - **Yes**
  - Developable area of site contains protected water body (wetlands) and drainage due to large quantities of impervious surface
  - Possibly putting a water line under Cuthrie Run.

- Discharge Permit Required.
3. Impact on Air - **Yes**
    - Proposed action will generate 1,000 or more vehicle trips in any given hour
  4. Impact on Plants and Animals - **No**
    - No endangered or threatened animals
    - The ponds will remain intact – possibly enlarging
  5. Impact on Agricultural Land Resources - **Yes**
    - more than 10 acres of agricultural land would be converted to development
  6. Impact on Aesthetic Resources
    - Public controversy will determine Impact – Public Hearings required.
    - Wetland will act as a buffer
    - Main entrance to be located at Lowe Road off Kahler Road
    - height consideration due to airport vicinity
    - Water, gas, sewer and utilities will be driven by the projects as needed
    - more restricted covenants than ACP north will be in place
    - There will be an alternative industrial park, “White Wagon Park” in the Town of Chemung for industries that may be too large for ACP South
  7. Impact on Historic and Archaeological Resources
    - SHPO must be completed, especially if there is government funding involved
    - Test pits and digging are required
  8. Impact on Open Space and Recreation
    - Important to community to connect the project with the existing trails
    - George Miner, CCIDA commented that the Elmira-Chemung Transportation Council is trying to get funding for a bridge .....
    - Existing pond is fragile
  9. Impact on Critical Environmental Areas – **No**
  10. Impact on Transportation - **Yes**
    - The Zoning Amendment Book will be revised for the new project
    - The Town Comprehensive Plan is in the process of being updated
    - traffic patterns are being reviewed to minimize impact
  11. Impact on Energy
    - 5% increase
    - Fully developed could possibly be one million square feet of development
  12. Noise and Odor Impact
    - Minor
  13. Impact on Public Health
    - No hazardous waste
  14. Impact on Growth and Character of Community or Neighborhood
    - Determined by population or spending growth of 5%



- It will cause a change in the density of land use
- It will create a demand for additional community services (police, fire)

15. Public Controversy vs. heavy manufacturing

- Light manufacturing

In summary, Gensel referring to the flowchart and stated that:

- An EAF has been completed for the rezoning
- Designate that this project would be a Type I Action
- The PB should declare the Town as Lead Agency and notify a list of Involved and Interested Agencies (30 calendar days allotted for establishment of lead agency)
- The Lead Agency must determine the significance if any Type I in writing
- Time frame 3 – 4 months to review and approve
- SHPO done on condition

Meeting adjourned at 8:00 P.M.

Respectfully Submitted

Nancy Van Maarseveen  
Planning Board Secretary

**TOWN OF BIG FLATS PLANNING BOARD  
MINUTES OF JULY 13, 2004**

6:30 P.M.  
REGULAR MEETING  
Conference Room "A"

Present:

Chair - Mark Fleisher  
Carl Masler  
Scott Esty  
James Ormiston  
Bill Stewart  
Lee Younge  
Angela Piersimoni

Guests: Jack Moore, James Gensel, Rebecca Feher, Chris Dean, Pam Farr  
Staff: Chuck Coons

**AGENDA**

The Board agreed to add Simmons-Rockwell Preliminary *Site Plan* as item #3 to the Agenda and proceeded with the agenda as modified.

**MINUTES**

Fleisher asked the Board to accept and approve the minutes of June 22, 2004 and June 28, 2004. Ormiston made a motion to accept and approve the minutes of June 22, 2004 and the minutes of June 28, 2004, seconded by Esty. All in favor, motion carried.

**AIRPORT CORPORATE PARK SOUTH  
DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT (DGEIS)  
LEAD AGENCY INTENT  
TAX PARCEL #57.02-2-60 & 67.01-1-7.1 & 67.01-1-5 & 66.02-2-37**

Fleisher stated that the purpose of the proposed resolution is to establish the Planning Board's intent to be the Lead Agency. All listed Involved and Interested Agencies would be notified and may reply to the Board's intent to be the Lead Agency within 30 days of Notice.

Ormiston recommended modifying the proposed resolution to include all the permitted *uses* that are identified in the Town Municipal Code Chapter 17.12.010 for the ABD *district*;

Piersimoni questioned the number of *parking* spaces referenced. Gensel replied that the 1,000 plus *parking* spaces is what classifies the *site plan* as a Type I Action.

There being no further discussion, the proposed resolution was modified as agreed by the Board.

**RESOLUTION P57-2004  
AIRPORT CORPORATE PARK SOUTH  
DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT (DGEIS)  
LEAD AGENCY INTENT  
TAX PARCEL #57.02-2-60 & 67.01-1-7.1 & 67.01-1-5 & 66.02-2-37**

Resolution by: Ormiston  
Seconded by: Younge

WHEREAS this Board has received a request from Chemung County Industrial Development Agency (CCIDA) to consider *development* of the property known as *Airport* Corporate Park (ACP) South, encompassing Tax Parcels # 57.02-2-60, 67.01-1-7.1, 67.01-1-5 & 66.02-2-37;

AND WHEREAS the site is approximately 220 acres and is located south of Route 17/ I-86, and located in the *Airport Business Development (ABD) district*;

AND WHEREAS the *development* of this site will include, but is not limited to, construction of office and manufacturing *buildings* consistent with *uses* allowed in the Town Municipal Code, Chapter 17.12.010, *parking area* for more than 1000 vehicles, and related infrastructure including *roads* and utilities;

AND WHEREAS James Gensel, engineer for the *applicant*, met with this Board on June 28, 2004, to present preliminary findings on the environmental impacts associated with this *development*;

THEREFORE BE IT RESOLVED that for environmental review this Board finds this to be a Type I action in accordance with 6NYCRR 617.4, and hereby declares its intent to be Lead Agency with information of this application sent to the following Involved and Interested Agencies:

**Involved Agencies**

- New York State Department of Environmental Conservation
- New York State Department of Transportation
- New York State Office of Historic Preservation
- New York State Department of Health
- Elmira-Corning Regional *Airport*
- Chemung County Sewer *District*
- Chemung County Health Department
- Chemung County Planning Board
- Chemung County Department of Public Works

**Interested Agencies**

- Big Flats Fire Department
- Big Flats Water Department
- Big Flats Department of Public Works
- Chemung County Soil & Water Conservation *District*

AND FURTHER RESOLVED this application is tabled until August 24, 2004 to permit the 30-day response time for the Involved and Interested Agencies.

CARRIED: AYES: Younge, Stewart, Esty, Fleisher, Ormiston, Masler, Piersimoni

NAYS: None

ABSTAIN: None

ABSENT: None

**SIMMONS-ROCKWELL**

**PRELIMINARY *SITE PLAN* AMENDMENT**

**TAX PARCELS # 67.02-1-3, #67.02-1-4 and #67.02-1-16**

Fleisher requested James Gensel, Engineer for the Simmons-Rockwell, to clarify the exact location of the proposed changes in this application regarding the vehicle sales and service areas.

Gensel distributed revised drawings and explained that the revisions were based on comments received from Tim Von Neida, Chemung County Commissioner of Public Works, and the Planning Board and its Executive Committee. Several revisions were discussed involving the service and sales dealership entrances:

### Signs

- Two directional *signs* totaling less than 6 sq. ft. were added: (1) an entrance *sign* at the existing *drive* entrance, and (2) a service entrance *sign* at the proposed *drives*,
- The freestanding GMC *sign* was moved closer to the sales *drive* to reduce confusion.

### Parking

- The 10 *parking* and display spaces have been moved to allow more green space and less traffic confusion,

### Drive

- A proposed right-turn lane and a left-turn lane at the new *drive*, pending approval by the Chemung County Commissioner of Public Works,
- A 225 feet *drive* separation is proposed based on Department of Transportation highway access standards.
- Stewart commented about the loading and unloading of vehicles on the red brick *easement* area. Gensel explained that all unloading will be done on the north side of County Route 64 because all the vehicles are required to be processed through the reconditioning service center
- Gensel's reply to Masler's question was that the new proposed *drive* would be only for service and employees,
- Esty questioned as to what degree of responsibility the Town has versus the County in determining a traffic analysis,
- Younge expressed her concerns about pedestrian traffic crossing County Route 64.

The Board accepted and approved the documents pending receipt of a letter from the Commissioner of Chemung County Public Works giving his approval of the revision. Gensel commented that he had already mailed the plans to the Chemung County Public Works Commissioner. There being no further questions and comments, Fleisher asked for a resolution as modified.

**RESOLUTION P58-2004  
SIMMONS-ROCKWELL  
PRELIMINARY SITE PLAN AMENDMENT  
TAX PARCELS # 67.02-1-3, #67.02-1-4 and #67.02-1-16**

Resolution by: Younge

Seconded by: Esty

WHEREAS the Planning Board has received an *application* from Simmons-Rockwell for an amendment for construction of a 10,360 square foot service center addition and related infrastructure on Tax *Parcels* #67.02-1-3, #67.02-1-4 and #67.02-1-16 as shown on a *site plan* drawing by Fagan Engineers, project #2003-060 dated April 1, 2004;

AND WHEREAS the *parcel* is 1.495 acres and is located on the south side of County Route 64 in the Business Regional (BR) *district*, between the existing Simmons-Rockwell dealership and Courser, Inc.;

AND WHEREAS several *large trees* on the site have been removed for this project;

AND WHEREAS the *applicant* is adding another dealership, namely GMC vehicles *sales*, to its sales line;

AND WHEREAS additional tractor-trailer truck traffic will be required to make vehicle deliveries to the site;

AND WHEREAS the *applicant* has submitted the following documentation pursuant to Resolution P27-2004:

- A corrected cover sheet showing the location plan
- An ortho-imagery aerial view map (circa 2002) showing the existing site and surrounding businesses
- Landscape Plan
- Traffic Impact Analysis dated May 18, 2004
- Drainage Analysis dated May 18, 2004
- Two full-size and 10 half-size sets of *Site Plan* drawings

AND WHEREAS the *applicant* has submitted a letter from the United States Environmental Protection Agency, addressing environmental issues on the former Auto Electric Shop *property*;

AND WHEREAS the Traffic Impact Analysis was limited to the existing and proposed *drives* associated with Simmons-Rockwell, due to the relatively low trip generation for the proposed project, as claimed in the engineer report;

AND WHEREAS the existing *drive* formerly used by Auto Electric Shop will become the new *drive* for access to the service department and employee *parking*;

AND WHEREAS the following correspondence has been received regarding this *application*:

- Letter from Betty Johanson, adjoining *property owner*, dated April 27, 2004, requesting more landscaping and less gravel on the Simmons-Rockwell site,
- Letter from Tim VonNeida, Chemung County Commissioner of Public Works, dated May 24, 2004, stating his disapproval of the proposed *drive* onto County Route 64, and requesting that this Board require a comprehensive plan for existing and future ingress/egress needs

AND WHEREAS the Executive Committee, at its July 8, 2004 meeting, met with Tim VonNeida, James Gensel, and Jack Moore, attorney for Simmons-Rockwell, to discuss the concerns associated with the additional *drive* entrance, and the *applicant* was instructed to modify the *site plan* to eliminate potential confusion for customers entering either the sales area or the service center area;

AND WHEREAS the *applicant* has submitted, a revised drawing dated 7-12-04 showing the following:

- *Parking* for vehicle sales has been eliminated on tax parcel #67.02-3-3,
- Additional green space along the *road right-of-way* on tax parcel #67.02-3-3,
- Installation of a "Service Center" *sign* on parcel #67.02-1-3,
- Installation of a "Sales" *sign* on tax parcel #67.02-1-4.

THEREFORE BE IT RESOLVED to accept the documents presented as a Preliminary Plan;

AND FURTHER RESOLVED that this *application* be referred to the Chemung County Planning Board pursuant to General Municipal Law 239-m as this property is located within 500 feet of County Route 64;

AND FURTHER RESOLVED that the *Application* shall be tabled pending receipt of comments from Tim Von Neida, Commissioner of Chemung County Public Works Department, and the Chemung County Planning Board.

CARRIED: AYES: Younge, Stewart, Esty, Fleisher, Ormiston, Masler, Piersimoni

NAYS: none

ABSTAIN: none

ABSENT: none

**DANDY MINI MART  
CONCEPT *SITE PLAN*  
TAX PARCEL #76.00-2-10.2**

Fleisher asked the Director of Building Inspection and Code Enforcement to comment on his concerns concerning the application.

**Coons expressed the following concerns :**

- Presently there are 900 sales transactions per day, which is proposed to increase by 20% due to the pizza and sub shop business, adding to an already confusing traffic pattern,
- The size of the *lot* may not be able to handle the increase in traffic entering and exiting the business safely,
- The delivery trucks present a constant safety hazard.

**Location of Deliveries**

- Younge asked if all the deliveries are made through the front door and if it would be possible to have deliveries made in the back. Rebecca Feher, engineer for the *applicant*, stated that the deliveries to the front of the business are due to a security issue. Coons commented that the septic system is located in the back. Feher added that at this time the leach field location has not been determined.
- Fleisher asked the hours of delivery. Feher stated that the delivery hours could be changed.
- Coons commented that the Town Municipal Code Chapter 17.48.020 specifies exact loading berth requirements.

**Parking issues**

- Piersimoni commented that the Applications Committee had recommended that employee *parking* might possibly be placed in the rear of the *building*. Feher replied that this affects only the four employees.
- Feher commented that a portion of the north *parking area* is being used by commuters *parking* in the State *right-of-way* and that the proposed *site plan* would remove these *parking* spaces.
- Stewart suggested using the west side of the *building* for *parking*. Feher replied there is an inadequate turning radius due to the existing trees.

Fleisher summarized the concerns, in that the added traffic would contribute to an already existing confusing condition and safety concerns. The application has been tabled pending the *applicant's* response to the concerns.

**RESOLUTION P59-2004  
DANDY MINI MART  
CONCEPT *SITE PLAN*  
TAX PARCEL #76.00-2-10.2**

Resolution by: Stewart

Seconded by: Piersimoni

WHEREAS this Board has received an *application* from Randy Williams, *owner* of Dandy Mini Marts, Inc., for a *building* expansion on tax parcel #76.00-2-10.2, commonly known as 3149 State Route 352, as shown on drawings by Hawk Engineering dated 04/19/2004, revised 6/29/04, project #4012;

AND WHEREAS the *parcel* is located on the south side of State Route 352 in the Business Neighborhood (BN) *district* near the intersection of County Route 64 (Main Street);

AND WHEREAS there currently exists a 3901 square foot block *building* with a *retail sales use*, a fuel-dispensing island with canopy, in-ground fuel storage tanks, an aboveground kerosene-dispensing tank, and 16 *parking* spaces;

AND WHEREAS the *applicant* proposes to construct a 1390 square foot addition, a second fuel dispensing island with canopy, a 2000-gallon in-ground kerosene tank with a new-dispensing device, and one additional *parking* space

AND WHEREAS a *retail sales use* is a permitted *use* in the BN *district*. However, this site has never been reviewed by any agency of the Town of Big Flats for compliance with local ordinances, and this *application* is being reviewed under *site plan application* standards to determine compliance with Title 17 of the Town Municipal Code;

AND WHEREAS the proposed additions will be for a pizza and sandwich shop and will include a kitchen area, new restrooms, 2 offices areas, pizza prep counter, sandwich prep counter, and seating for 16 persons;

AND WHEREAS a *retail sales use* is required to have 3.5 *parking* spaces for each 1000 square feet of gross floor area, and based on the total existing and proposed square footage of 5291 square feet the required number of *parking* spaces is 18;

AND WHEREAS the *applicant* has submitted a Full Environmental Assessment Form;

AND WHEREAS the Chemung County Planning Board at its June 17, 2004 meeting returned the application for local determination;

AND WHEREAS the Chemung County Health Department in a letter dated, May 25, 2004 stated that the *applicant* will be required to install an addition to their current sewage treatment system prior to commencing with this project;

AND WHEREAS the New York State Department of Transportation (NYSDOT) in a letter dated, June 1, 2004 stated the following:

- Both *drives* shall conform to DOT standards, being 24 foot width,
- The projected traffic increase should not be a problem for the area,
- Recommended that both *drives* remain in and out *drives*,
- Raised island similar to the existing will be necessary to separate the *drives*,
- A left turn lane for westbound NYS Route 352 traffic to enter the eastern *drive* will be installed by Department of Transportation (DOT), thus eliminating the hatched median area,

THEREFORE BE IT RESOLVED that this Board finds that this proposed *site plan* is not acceptable for the following reasons:

- Truck deliveries are made through the front door. The trucks block traffic and *parking* patterns. There is no plan for deliveries in the rear of the *building*, and this Board finds this unacceptable,
- Traffic congestion exists on the site now, and will only get worse with the proposed plan. There is no clear direction for travel on the *parcel*.
- The size of the site is not adequate for the proposed expansion.

AND FURTHER RESOLVED that the application is tabled pending revision or withdrawal by the *applicant*.

CARRIED: AYES: Younge, Stewart, Esty, Fleisher, Ormiston, Masler, Piersimoni

NAYS: none

ABSTAIN: none

ABSENT: none

**FOOD BANK OF SOUTHERN TIER**

***SITE PLAN AMENDMENT***

**TAX PARCEL # 58.03-1-52**

Fleisher reviewed the proposed resolution. The Short Environmental Assessment Form was reviewed and completed and a Negative Declaration was proposed.

**RESOLUTION P60-2004**

**FOOD BANK OF SOUTHERN TIER**

***SITE PLAN AMENDMENT***

**TAX PARCEL # 58.03-1-52**

Resolution by: Piersimoni

Seconded by: Esty

WHEREAS the Planning Board has received an *application* from Catholic Charities of the Southern Tier (Food Bank), for an amendment of the approved *site plan* on tax parcel #58.03-1-52.1 for the installation of an above ground fuel dispensing tank as shown on a sketch plan dated June 10, 2004;

AND WHEREAS the property is located at 945 County Route 64 in the Business Regional (BR) *District*,

AND WHEREAS the *applicant* proposes to place a 500 gallon above ground fuel dispensing tank on the westerly side of the property, five feet from the *building* and approximately 45 feet from the property line;

AND WHEREAS the adjoining property owners have been notified of this application pursuant to the Rules of the Planning Board;

THEREFORE BE IT RESOLVED that the documents presented in this *application* for *site plan* amendment approval are accepted as a Preliminary Plan;

AND FURTHER RESOLVED that, for environmental review this Board finds action on this *application* to be an Unlisted Action in accordance with 6NYCRR 617.3 and that this Board is the Lead Agency completing an uncoordinated review with information notice of this application given to the Chemung County Department of Public Works and the Chemung County Planning Board;

AND FURTHER RESOLVED that based on the review of the Short Environmental Assessment Form of SEQRA completed by the *applicant* and this Board, this Board finds no significant potential adverse environmental impact and therefore issues a Negative Declaration;

AND FURTHER RESOLVED that this application be referred to the Chemung County Planning Board pursuant to General Municipal Law 239-m as this property is located within 500 feet of County Route 64;

AND FURTHER RESOLVED that this application is tabled pending review and comment by the Chemung County Planning Board.



CARRIED: AYES: Piersimoni, Masler, Ormiston, Fleisher, Esty, Stewart, Younge

NAYS: none

ABSTAIN: none

ABSENT: none

**BRAUNSTEIN SITE PLAN**

**TAX PARCEL # 98.05-2-35.1**

Fleisher reviewed the proposed resolution. The Short Environmental Assessment Form was reviewed and completed to determine whether to issue a Negative Declaration.

Ormiston suggested that the *building* height be shown on the drawing. The *building* height was not specified and the Director of Building and Code Inspection will obtain the *building* height from the *applicant* before the next Planning Board meeting. The application was tabled pending review and comment by the Chemung County Planning Board.

**RESOLUTION P61-2004**

**BRAUNSTEIN SITE PLAN**

**TAX PARCEL # 98.05-2-35.1**

Resolution By: Ormiston

Seconded By: Stewart

WHEREAS this Board has received an application for a *site plan* amendment from William P. Horner on behalf of Bernard Braunstein, owner of Tax Parcel # 98.05-2-35.1, for a *site plan* amendment for a storage *building* addition as shown of a sketch plan received June 22, 2004;

AND WHEREAS the property is located at 127 Hendy Creed Road located in the Business Neighborhood (BN) *district*;

AND WHEREAS the *applicant* received *site plan* approval for the *development* of the property as an office and warehouse complex on April 6, 1999, in Resolution P28-99;

AND WHEREAS the *Bulk* and *Density* Control Schedule permits 50% *lot coverage*, and this *parcel* contains 9.8 acres, with the developed portion of the *lot* being approximately 2.09 acres, or 21%;

AND WHEREAS the *applicant* proposes to construct a 2500 square foot addition to an existing, *building* currently used for storage and maintenance of equipment;

AND WHEREAS there will be no additional traffic generated by this action;

AND WHEREAS the adjoining property owners have been notified of this application pursuant to the Rules of the Planning Board;

THEREFORE BE IT RESOLVED to accept the documents submitted in this application as a Preliminary Plan for *site plan* amendment;

AND FURTHER RESOLVED that, for environmental review this Board finds action on this *application* to be an Unlisted Action in accordance with 6NYCRR 617.3 and that this Board is the Lead Agency completing an uncoordinated review with information notice of this application given to the Chemung County Health Department, the Chemung County Planning Board and Town of Southport;

AND FURTHER *RESOLVED* that this application be referred to the Chemung County Planning Board pursuant to General Municipal Law 239-m as this property is located within 500 feet of State Route 225;

AND FURTHER *RESOLVED* that this application is tabled pending review and comment by the Chemung County Planning Board.

CARRIED: AYES: Younge, Stewart, Esty, Fleisher, Ormiston, Masler, Piersimoni

NAYS: none

ABSTAIN: none

ABSENT: none

**DEAN SUBDIVISION  
PRELIMINARY PLAT  
TAX PARCEL #66.04-4-20**

Fleisher reviewed that in the last meeting a consensus could not be reached due to the absence and abstentions of Board members.

Ormiston asked if the existing *driveway* would be serving both *dwellings*. Coons explained that there would be a second *driveway*.

Esty distributed his evaluation analysis based on the Town Code specifications: (see property file for complete analysis)

- Each proposed *lot* is less than 18,000 square feet. The code requires 25,000 square feet for a *two-unit dwelling* in a Residential *District* per *lot*. The area for a *one-unit dwelling* is 15,000 square feet. Therefore, this proposed application would be 26-27% less.
- Esty referenced the Town Municipal Code Chapter 17.04.030. He stated that the application does not comply with the character of the Town by proposing a significant reduction in the amount of space in the Residential 2 *District* and would encourage for similar variances. He referenced letters submitted to the Board from adjoining neighbors disagreeing with the proposed subdivision.

Stewart also expressed his concern that the acceptance of this application could encourage similar requests.

The Board permitted Christopher Dean, the *applicant*, to comment. Dean reminded the Board that the Zoning Board of Appeals approved his application because of the adjoining open green space of the Town Park; thereby, making this application unique.

In regard to the issue of future variance requests from other *applicants*, Fleisher said that all applications would be looked at individually. There being no further comments or questions, Fleisher asked for a resolution.

Pamela Farr, adjoining property owner, asked to address the Board. She submitted a letter from Heman Fowler and expressed her disagreement with the proposed action.

**RESOLUTION P62-2004**  
**DEAN SUBDIVISION**  
**PRELIMINARY PLAT**  
**TAX PARCEL #66.04-4-20**

Resolution by: Ormiston

Seconded by: Younge

WHEREAS this Board has received an *application* from Christopher Dean for *subdivision* of Tax Parcel # 66.04-4-20, a 0.8425-acre *parcel* located at 114 Main Street in the Residential 2 (R2) *district*;

AND WHEREAS there presently exists a *two-unit dwelling*, a barn and *driveway*;

AND WHEREAS the *applicant* proposes to subdivide the *parcel* to create two *parcels* as follows:

- *Parcel A* being 0.4263 acres (18,569 square feet) and will contain the existing *two-unit dwelling*, a barn and *driveway*,
- *Parcel B* being 0.4162 acres (18,130 square feet) and will be used for construction of a *two-unit dwelling*.

AND WHEREAS the *Bulk and Density Control Schedule* of the Town Municipal Code requires 25,000 square feet (0.5739 acres) for a *two-unit dwelling*, and this *subdivision* would create two non-conforming *parcels*;

AND WHEREAS the *Bulk and Density Control Schedule* for the R2 *district* permits maximum *lot coverage* of 20%;

AND WHEREAS the approval of this *subdivision* request would require variances from the Zoning Board of Appeals (ZBA) for having less acreage than required by code;

AND WHEREAS the ZBA has reviewed, the variance requests at its May 10, 2004 meeting and has approved both variances pursuant to Resolution ZBA 5-04;

AND WHEREAS pursuant to Resolution P33-2004, the *applicant* has obtained a Sewage Disposal Permit from the Chemung County Health Department for the proposed *two-unit dwelling*;

AND WHEREAS the Chemung County Planning Board, at its June 17, 2004 meeting, returned the application for local determination;

AND WHEREAS a Negative Declaration of any potential adverse environmental impacts was issued on June 22, 2004;

AND WHEREAS a Public Hearing was duly held on June 22, 2004, and comment was received;

AND WHEREAS this Board, at the June 22, 2004 meeting, did not reach a consensus to approve the application, and the application was tabled until the July 13, 2004 meeting;

THEREFORE BE IT RESOLVED that this Board approves the preliminary *subdivision* plat and accepts the preliminary plat as a Final *subdivision* Plat;

AND FURTHER RESOLVED that the Final *subdivision* Plat is approved subject to the following conditions:

- The *applicant shall* submit a current *survey* map to the Planning Board secretary showing the *subdivision* of the *lot* in the form of one Mylar and three original copies.
- The *applicant shall* file the approved *subdivision* plat with the Chemung County Clerk within sixty-two (62) days from the date of endorsement by the Planning Board Chair.
- Failure of the *applicant* to file the final plat with the County Clerk within sixty-two (62) days *shall* cause such final approval to expire pursuant to Chapter 16.08.040(J) of the Town Municipal Code.

CARRIED: AYES: Younge, Fleisher, Ormiston, Masler, Piersimoni

NAYS: Stewart, Esty

ABSTAIN: none

ABSENT: none

**COMMENTS:**

- There will be a Meeting Friday, July 16, 2004 to Interview two engineering firms for the Town's Comprehensive Plan update process. The interviews are to be held in the new community center at 11 a.m. and 1 p.m.

Meeting adjourned at 8:40 P.M.

Respectfully Submitted

Nancy Van Maarseveen  
Planning Board Secretary

**TOWN OF BIG FLATS PLANNING BOARD  
MINUTES OF AUGUST 3, 2004**

6:30 P.M.  
REGULAR MEETING  
Community Center Room "A"

Present:

Chair - Mark Fleisher  
Angela Piersimoni  
Carl Masler  
Scott Esty  
Bill Stewart  
James Ormiston  
Lee Younge

Guests: Tom Giles, Sonny, Patel, Andy Patel, Jamie Gensel, Gary Becker, Jack Moore,  
Ron Panosian, Robert Burgdorf, Sandra Brooks, Rod Prosser

Staff: Dean Frisbie, Chuck Coons, Eric Corey

**AGENDA**

The Board agreed to the Agenda as presented.

**MINUTES**

Fleisher asked if there were any corrections before accepting and approving the minutes of July 13, 2004. There being none. Ormiston made a motion to accept and approve the minutes of July 13, 2004, seconded by Stewart. All in favor, motion carried.

**SMITH SUBDIVISION**

**PRELIMINARY PLAT**

**TAX PARCELS #66.04-4-43, #66.04-4-44.21, & #66.04-4-44.24**

The Board reviewed the proposed resolution for the *Subdivision* Preliminary Plat and noted that if adopted this resolution confirms the public hearing scheduled for this evening. Fleisher asked the Board for questions or comments, being none, he proceeded to the Public Hearing.

**RESOLUTION P63-2004**

**SMITH SUBDIVISION**

**PRELIMINARY PLAT**

**TAX PARCELS #66.04-4-43, #66.04-4-44.21, & #66.04-4-44.24**

Resolution by: Masler

Seconded by: Stewart

WHEREAS the Planning Board has received an *application* from Michael M. Smith, *owner* of tax *parcels* #66.04-4-43, #66.04-4-44.21, & #66.04-4-44.24, for the re-*subdivision* approval of the three *parcels*, and the subsequent *subdivision*, to create the following two *building lots*:

- *Lot I* being 54,000 square feet
- *Lot II* being 51,000 square feet

AND WHEREAS the existing *parcels* are as follows:

- Tax *Parcel* #66.04-4-43 being 16,875 square foot (0.387 acre) *lot* containing vacant land, and
- Tax *Parcel* #66.04-4-44.24 being 3375 square foot (0.077 acre) *lot* containing vacant land, and

- Tax *Parcel* #66.04-4-44.21 being 48.403 acres containing vacant land;

AND WHEREAS the proposed *subdivision* is located at the corner of Goss Road and Carpenter Road in the Residential 1 (R1) *District*;

AND WHEREAS Chapter 17.16 of the Town Municipal Code (*Bulk and Density Control Schedule*) requires 35,000 square feet (0.803 acre) for a residential *lot* without public water or sewer;

AND WHEREAS a Public Hearing has been set for August 3, 2004;

AND WHEREAS the Chemung County Health Department, in a letter dated May 21, 2004, stated “This Department does not have any interest in this project at this point in time. When the *owner* decides to develop either of the 2 proposed *parcels*, we *may* need to be involved in one or more aspects of the project.”

AND WHEREAS the Chemung County Planning Board, at its June 17, 2004 meeting, recommended approval;

THEREFORE BE IT RESOLVED that this Board confirms the Public Hearing on this *Subdivision* preliminary plat and the business portion of the regular meeting is suspended.

CARRIED: AYES: Piersimoni, Masler, Ormiston, Fleisher, Stewart, Younge

NAYS: none

ABSTAIN: none

ABSENT: Esty

## **PUBLIC HEARING**

6:36 P.M. **SMITH SUBDIVISION**

**PRELIMINARY PLAT**

**TAX PARCELS #66.04-4-43, #66.04-4-44.21, & #66.04-4-44.24**

Chair Fleisher called the Public Hearing to order at 6:36 P.M. He noted that the Public Hearing was duly published in the Elmira Star-Gazette and went on to describe the location, features, and purpose of this proposed *subdivision*. He further stated that the purpose of the Public Hearing was to receive public comments on the *application* that is the subject of this Public Hearing. Fleisher asked for comments from those present who wished to speak:

IN FAVOR: none

AGAINST: none

COMMENTS: none

Fleisher closed the Public Hearing at 6:38 P.M. and reconvened the business portion of the regular meeting.

**SMITH SUBDIVISION**

**PRELIMINARY AND FINAL PLAT**

**TAX PARCELS #66.04-4-43, #66.04-4-44.21, & #66.04-4-44.24**

There being no public or Board member comments, Fleisher asked for a final resolution regarding this *application*.

**RESOLUTION P64-2004**  
**SMITH SUBDIVISION**  
**PRELIMINARY AND FINAL PLAT**  
**TAX PARCELS #66.04-4-43, #66.04-4-44.21, & #66.04-4-44.24**

Resolution by: Ormiston

Seconded by: Piersimoni

WHEREAS the Planning Board has received an *application* from Michael M. Smith, *owner* of tax *parcels* #66.04-4-43, #66.04-4-44.21, & #66.04-4-44.24, for the re-*subdivision* approval of the three *parcels*, and the subsequent *subdivision*, to create the following two *building lots*:

- *Lot I* being 54,000 square feet
- *Lot II* being 51,000 square feet

AND WHEREAS the existing *parcels* are as follows:

- Tax *Parcel* #66.04-4-43 being 16,875 square foot (0.387 acre) *lot* containing vacant land, and
- Tax *Parcel* #66.04-4-44.24 being 3375 square foot (0.077 acre) *lot* containing vacant land, and
- Tax *Parcel* #66.04-4-44.21 being 48.403 acres containing vacant land;

AND WHEREAS the proposed *subdivision* is located at the corner of Goss Road and Carpenter Road in the Residential 1 (R1) *District*;

AND WHEREAS Chapter 17.16 of the Town Municipal Code (*Bulk* and *Density* Control Schedule) requires 35,000 square feet (0.803 acre) for a residential *lot* without public water or sewer

AND WHEREAS the Chemung County Health Department, in a letter dated May 21, 2004, stated "This Department does not have any interest in this project at this point in time. When the *owner* decides to develop either of the 2 proposed *parcels*, we *may* need to be involved in one or more aspects of the project."

AND WHEREAS the Chemung County Planning Board, at its June 17, 2004 meeting, recommended approval;

AND WHEREAS in Resolution P51-2004, this Board issued a Negative Declaration on the SEQOR determination;

THEREFORE BE IT RESOLVED that this Board approves the preliminary *subdivision* plat and accepts the preliminary plat as a Final *subdivision* Plat;

AND FURTHER RESOLVED that the Final *subdivision* Plat is approved subject to the following conditions:

- The *applicant shall* submit a current *survey* map to the Planning Board secretary showing the *subdivision* of subject two *parcels* in the form of one Mylar and three original copies.
- The *applicant shall* file the approved *subdivision* plat with the Chemung County Clerk within sixty-two (62) days from the date of endorsement by the Planning Board Chair.
- Failure of the *applicant* to file the final plat with the County Clerk within sixty-two (62) days *shall* cause such final approval to expire pursuant to Chapter 16.08.040(J) of the Town Municipal Code.

CARRIED: AYES: Younge, Stewart, Fleisher, Ormiston, Masler, Piersimoni

NAYS: none

ABSTAIN: none

ABSENT: Esty

**LOVEJOY SUBDIVISION  
PRELIMINARY PLAT  
TAX PARCEL #98.05-3-18**

Fleisher reviewed with the Board the proposed resolution and stated that this resolution if adopted would confirm the public hearing for this *Subdivision* Preliminary Plat. He asked for comments from the Board members, being none, he proceeded to the scheduled Public Hearing.

**RESOLUTION P65-2004  
LOVEJOY SUBDIVISION  
PRELIMINARY PLAT  
TAX PARCEL #98.05-3-18**

Resolution by: Younge  
Seconded by: Stewart

WHEREAS the Planning Board has received an *application* from Robert E. Lovejoy, *owner of parcel* #98.05-3-18 to subdivide the 2.2 acres *property* located at 15 Golden Glow Drive into two *parcels* as shown on a map by William W. Wilkins, L.S., dated March 23, 1999 and a revised sketch map dated June 17, 2004;

- *Parcel 1*, which presently contains a *one-unit dwelling*,
- *Parcel 2*, would be the remainder of the tax *parcel*, comprised largely of Hendy Creek.

AND WHEREAS the proposed *subdivision* is located on Golden Glow Drive near Shady Knoll Drive in the Residential 2 *District* (R2);

AND WHEREAS Chapter 17.16 of the Town Municipal Code (*Bulk* and *Density* Control Schedule) requires 15,000 square feet (0.344 acre) for a residential *lot* without public water and sewer;

AND WHEREAS *parcel 1* will be 91.49-feet wide at the edge of the *road right-of-way*;

AND WHEREAS *parcel 2* will have a 10-foot wide access through *parcel 1* to Golden Glow Drive, and will not be a *buildable lot*;

AND WHEREAS pursuant to Resolution P2-2004 dated January 6, 2004, this *application* was tabled pending review and clarification of the proposed *subdivision* and access to the potentially landlocked *parcel*;

AND WHEREAS the *applicant* will maintain a 10-foot wide *right-of-way* access from Golden Glow Drive through *parcel 1* to *parcel 2* to prevent *parcel 2* from being landlocked;

AND WHEREAS the Chemung County Department of Health, in a letter dated July 7, 2004, stated that, "this department has no objection to the Town of Big Flats being the Lead Agency for all actions on the above-referenced project. However, .... I have serious reservations about any *subdivision* of parcel 98.05-3-18, and as such, I cannot offer this Department's concurrence with the plans.";

AND WHEREAS the Chemung County Planning Department, at its July 15, 2004 meeting, returned the *application* "to the *Town* for local determination stating no interjurisdictional or intercommunity impacts.";

AND WHEREAS in Resolution P52-2004, this Board issued a Negative Declaration on the SEQR determination;



THEREFORE BE IT RESOLVED that this Board confirms the Public Hearing on this *Subdivision* preliminary plat and the business portion of the regular meeting is suspended.

CARRIED: AYES: Younge, Stewart, Fleisher, Ormiston, Masler, Piersimoni

NAYS: none

ABSTAIN: none

ABSENT: Esty

## **PUBLIC HEARING**

### **6:42 P.M. LOVEJOY SUBDIVISION PRELIMINARY PLAT TAX PARCEL #98.05-3-18**

Chair Fleisher called the Public Hearing to order at 6:42 P.M. He noted that the Public Hearing was duly published in the Elmira Star-Gazette and went on to describe the location, features, and purpose of this proposed *subdivision*. He further stated that the purpose of the Public Hearing was to receive public comments on the *application* that is the subject of this Public Hearing. Fleisher asked for comments from those present who wished to speak:

IN FAVOR: none

AGAINST: none

COMMENTS: none

Fleisher closed the Public Hearing at 6:44 P.M. and reconvened the business portion of the regular meeting.

### **LOVEJOY SUBDIVISION PRELIMINARY AND FINAL PLAT TAX PARCEL #98.05-3-18**

The Board modified the proposed resolution regarding this *application*, There being no further comments, Fleisher asked for a Resolution.

### **RESOLUTION P66-2004 LOVEJOY SUBDIVISION PRELIMINARY AND FINAL PLAT TAX PARCEL #98.05-3-18**

Resolution by: Ormiston

Seconded by: Masler

WHEREAS the Planning Board has received an *application* from Robert E. Lovejoy, owner of *parcel* #98.05-3-18 to subdivide the 2.2 acres *property* located at 15 Golden Glow Drive into two *parcels* as shown on a map by William W. Wilkins, L.S., dated March 23, 1999 and a revised sketch map dated June 17, 2004;

- *Parcel* 1, which presently contains a *one-unit dwelling*,
- *Parcel* 2, would be the remainder of the tax *parcel*, comprised largely of Hendy Creek.

AND WHEREAS the proposed *subdivision* is located on Golden Glow Drive near Shady Knoll Drive in the Residential 2 *District* (R2);

AND WHEREAS Chapter 17.16 of the Town Municipal Code (*Bulk* and *Density* Control Schedule) requires 15,000 square feet (0.344 acre) for a residential *lot* without public water and sewer;

AND WHEREAS *parcel 1* will be 91.49-feet wide at the edge of the *road right-of-way*;

AND WHEREAS *parcel 2* will have a 10-foot wide access through *parcel 1* to Golden Glow Drive, and will not be a *buildable lot*;

AND WHEREAS pursuant to Resolution P2-2004 dated January 6, 2004, this *application* was tabled pending review and clarification of the proposed *subdivision* and access to the potentially landlocked *parcel*;

AND WHEREAS the *applicant* will maintain a 10-foot wide *right-of-way* access from Golden Glow Drive through *parcel 1* to *parcel 2* to prevent *parcel 2* from being landlocked;

AND WHEREAS in Resolution P52-2004, this Board issued a Negative Declaration on the SEQR determination;

AND WHEREAS the Chemung County Department of Health, in a letter dated July 7, 2004, stated that, "this department has no objection to the Town of Big Flats being the Lead Agency for all actions on the above-referenced project. However, .... I have serious reservations about any *subdivision* of *parcel 98.05-3-18*, and as such, I cannot offer this Department's concurrence with the plans.";

AND WHEREAS the Chemung County Planning Department, at its July 15, 2004 meeting, returned "to the *Town* for local determination stating no interjurisdictional or intercommunity impacts.";

THEREFORE BE IT RESOLVED that this Board approves the preliminary *subdivision* plat and accepts the preliminary plat as a Final *subdivision* Plat;

AND FURTHER RESOLVED that the Final *subdivision* Plat is approved subject to the following conditions:

- The *applicant shall* submit a current *survey* map to the Planning Board secretary showing the *subdivision* of subject two *parcels* in the form of one Mylar and three original copies.
- The *applicant shall* file the approved *subdivision* plat with the Chemung County Clerk within sixty-two (62) days from the date of endorsement by the Planning Board Chair.
- Failure of the *applicant* to file the final plat with the County Clerk within sixty-two (62) days *shall* cause such final approval to expire pursuant to Chapter 16.08.040(J) of the Town Municipal Code.

CARRIED: AYES: Piersimoni, Masler, Ormiston, Fleisher, Stewart, Younge

NAYS: none

ABSTAIN: none

ABSENT: Esty

#### **SIMMONS-ROCKWELL RE-SUBDIVISION**

#### **PRELIMINARY AND FINAL PLAT**

**TAX PARCEL #67.02-1-3, # 67.02-1-4 and #67.02-1-16**

Fleisher reviewed with the Board the proposed resolution for the Preliminary and Final re-*subdivision* approval. He asked if the Board had any questions or comments. There being none, he asked for a resolution to finalize this *application*.

#### **RESOLUTION P67-2004**

#### **SIMMONS-ROCKWELL RE-SUBDIVISION**

#### **PRELIMINARY AND FINAL PLAT**

**TAX PARCEL #67.02-1-3, # 67.02-1-4 and #67.02-1-16**

Resolution by: Ormiston

Seconded by: Younge

WHEREAS the Planning Board has received an *application* from Simmons-Rockwell, for a re-*subdivision* approval of tax *parcels* #67.02-1-3 and #67.02-1-4 and 67.02-1-16 as shown on a *subdivision* plat drawing from Fagan Engineers, project #2003-060, drawing #S-1, dated 4/1/04.

AND WHEREAS *parcel* #67.02-1-3 (1.495 acres), is vacant; *parcel* #67.02-1-4 (5.001 acres) presently consists of the existing dealership and *parcel* #67.02-1-16 (3.106 acres) presently consists of a drainage swale and former railroad *property*. The re-*subdivision* of these *parcels* will create one *parcel* containing approximately 9.602 acres;

AND WHEREAS the *applicant* has demolished the existing *buildings* on tax *parcel* #67.02-1-3 and proposes construction of a new 10,360 square foot service center to accommodate their new GMC operations and an *application* for said *use* has been submitted by Fagan Engineers on behalf of Simmons-Rockwell, in a document submission package received April 7, 2004.

AND WHEREAS the *Bulk* and *Density* Control Schedule requires a minimum *lot area* of three (3) acres;

AND WHEREAS the Chemung County Planning Board, at its May 20, 2004 meeting, tabled action the referral of this *application* by the Town of Big Flats Planning Board, pending further comments by the Chemung County Commissioner of Public Works;

AND WHEREAS the Chemung County Planning Board, at its July 15, 2004 meeting, returned "to the *Town* for local determination stating no inter-jurisdictional or intercommunity impacts.";

AND WHEREAS in Resolution P26-2004 dated April 20, 2004, this Board issued a Negative Declaration on the SEQR determination;

THEREFORE BE IT RESOLVED that this Board approves the preliminary *subdivision* plat and accepts the preliminary plat as a Final *subdivision* Plat;

AND FURTHER RESOLVED that the Final *subdivision* Plat is approved subject to the following conditions:

- The *applicant* shall submit a current *survey* map to the Planning Board secretary showing the re-*subdivision* of subject three *parcels* in the form of one Mylar and three original copies.
- The *applicant* shall file the approved *subdivision* plat with the Chemung County Clerk within sixty-two (62) days from the date of endorsement by the Planning Board Chair.
- Failure of the *applicant* to file the final plat with the County Clerk within sixty-two (62) days shall cause such final approval to expire pursuant to Chapter 16.08.040(J) of the Town Municipal Code.

CARRIED: AYES: Piersimoni, Masler, Ormiston, Fleisher, Stewart, Younge

NAYS: none

ABSTAIN: none

ABSENT: Esty

Planning Board member Scott Esty arrived at 6:55 p.m.

**SIMMONS-ROCKWELL  
PRELIMINARY AND FINAL SITE PLAN AMENDMENT  
TAX PARCELS # 67.02-1-3, #67.02-1-4 and #67.02-1-16**

The Board reviewed the proposed resolution and completed an Environmental Assessment Form (EAF) Part 2. Coons commented that he discussed the transportation impact regarding this *application* with the previous Director of Building Inspection and Code Enforcement and was told that no standard distance requirements between *drives* on public roadways have ever been put into place on County Route 64.

Younge asked if the *applicant* had submitted a Storm Water Management Plan. Gensel, engineer for the *applicant*, replied that a Drainage Study had been submitted with the *application*, the Notice of Intent for the SPDES Permit is in process, and site inspections after rainstorms will be conducted as required.

Fleisher asked the Board for further questions or comments. There being none, he asked for a resolution.

**RESOLUTION P68-2004**  
**SIMMONS-ROCKWELL**  
**PRELIMINARY AND FINAL SITE PLAN AMENDMENT**  
**TAX PARCELS # 67.02-1-3, #67.02-1-4 and #67.02-1-16**

Resolution by: Stewart  
Seconded by: Ormiston

WHEREAS the Planning Board has received an *application* from Simmons-Rockwell for an amendment for construction of a 10,360 square foot service center addition and related infrastructure on Tax *Parcels* #67.02-1-3, #67.02-1-4 and #67.02-1-16 as shown on a *site plan* drawing by Fagan Engineers, project #2003-060 dated April 1, 2004;

AND WHEREAS the *parcel* is 1.495 acres and is located on the south side of County Route 64 in the Business Regional (BR) *district*, between the existing Simmons-Rockwell dealership and Courser, Inc.;

AND WHEREAS several *large trees* on the site have been removed for this project;

AND WHEREAS the *applicant* is adding another dealership, namely GMC vehicle *sales*, to its sales line;

AND WHEREAS additional tractor-trailer truck traffic will be required to make vehicle deliveries to the site;

AND WHEREAS the *applicant* has submitted a letter from the United States Environmental Protection Agency, addressing environmental issues on the former Auto Electric Shop *property*;

AND WHEREAS the Traffic Impact Analysis was limited to the existing and proposed *drives* associated with Simmons-Rockwell, due to the relatively low trip generation for the proposed project, as claimed in the engineer report;

AND WHEREAS the following correspondence has been received regarding this *application*:

- Letter from Betty Johanson, adjoining *property owner*, dated April 27, 2004, requesting more landscaping and less gravel on the Simmons-Rockwell site,
- Letter from Tim Von Neida, Chemung County Commissioner of Public Works, dated May 24, 2004, stating his disapproval of the proposed *drive* onto County Route 64, and requesting that this Board require a comprehensive plan for existing and future ingress/egress needs

AND WHEREAS the Executive Committee, at its July 8, 2004 meeting, met with Tim Von Neida, James Gensel of Fagan Engineers, and Jack Moore, attorney for Simmons-Rockwell, to discuss the

concerns associated with the additional *drive* entrance, and the *applicant* was instructed to modify the *site plan* to eliminate potential confusion for customers entering either the sales area or the service center area;

AND WHEREAS Tim Von Neida, Commissioner of Chemung County Public Works, issued a letter dated July 12, 2004 with the following concerns:

- “that this proposed new *drive* to the GMC Service Center violates the Town of Big Flats existing regulations pertaining to the minimum required spacing of *drives* on the same or adjacent *parcels* of developed *property*.”
- “that the two *drives* may confuse motorists and cause radical weaving in and out of travel lanes causing accidents. It is truly better traffic engineering to keep the number of *drives* to a minimum.”
- “the pedestrian traffic and minor vehicle traffic (golf carts) crossing CR 64 between the two existing facilities and now possibly to a third facility.”

AND WHEREAS the *applicant* has submitted, a revised drawing dated 7-12-04 showing the following:

- *Parking* for *vehicle sales* has been eliminated on tax *parcel* #67.02-3-3,
- Additional green space along the *road right-of-way* on tax *parcel* #67.02-3-3,
- Installation of a “Service Center” *sign* on *parcel* #67.02-1-3,
- Installation of a “Sales” *signs* on tax *parcel* #67.02-1-4.

AND WHEREAS the Chemung County Planning Board, at its July 15, 2004 meeting, returned the item to the *Town* for local determination, subject to any additional approval conditions considered warranted by the Town Planning Board and by Chemung County Commissioner of Public Works;

THEREFORE BE IT RESOLVED that the documents submitted in this *application* be approved as a Preliminary Plan for *site plan* approval;

AND FURTHER RESOLVED for environmental review purposes that this Board makes the following findings based on the completed EAF Part 2:

1. **IMPACT ON LAND:** This project is not expected to result in a significant physical change to the project *site* with the exception of the construction of *buildings, drives, parking lots, utilities* and Storm water Management System. The project area is located in a commercial business *district*. The *applicant* is proposing not to exceed the maximum allowable *lot coverage* of 70% pursuant to the Town Municipal Code. There are no significant slopes on the site. The water table is in excess of three feet from the ground surface. There are no unique or unusual landforms. The site has been cleared of contaminated soil, and a report dated 7/16/04 from the United Environmental Group, Inc. has been submitted to the Environmental Protection Agency.
2. **IMPACT ON WATER:** There are no bodies of water on or near this site. A Storm Water Management Plan has been submitted for this project. Storm water will be discharged into onsite detention basins.
3. **IMPACT ON AIR:** This project proposes no air discharges and fewer than 1,000 vehicle trips generated in any given hour.
4. **IMPACT ON PLANTS AND ANIMALS:** No known threatened, non-threatened, or endangered species maintain a habitat on this site.
5. **IMPACT ON AGRICULTURAL LAND RESOURCES:** Prime agricultural resources do not exist on the site.
6. **IMPACT ON AESTHETIC RESOURCES:** The *development* at the site is consistent with the

requirements of the Town Municipal Code in both *bulk* and *density*. The proposed *development* is adjacent to existing commercial *uses*.

7. **IMPACT ON HISTORIC AND ARCHEOLOGICAL RESOURCES:** This project site does not contain any known historical and archeological resources.
8. **IMPACT ON OPEN SPACE AND RECREATION:** Public hunting, fishing, and other public outdoor recreational opportunities do not exist at the site.
9. **IMPACT ON CRITICAL ENVIRONMENTAL AREAS:** There are no critical environmental areas located in the *Town*.
10. **IMPACT ON TRANSPORTATION:** The proposed *building* addition will be an expansion of the service center. Traffic generated by this *use* will have a minimal impact on the surrounding *road* network. The potential confusion of customers entering the site will be mitigated by the installation of a "Service Center" *sign* at the proposed new *drive*, and the installation of a "Sales Center" *sign* at the existing *drive*. In response to Tim Von Neida, Chemung County Commissioner of Public Works, letter dated July 12, 2004, regarding minimum spacing of *drives*, the *Town* does not have local regulations pertaining to the minimum required spacing of *driveways* on *roads*.
11. **IMPACT ON ENERGY:** This *development* is expected to consume energy at a rate that is less than any of the thresholds that would trigger an impact.
12. **NOISE AND ODOR IMPACTS:** The project does not include an activity that exceeds the noise restrictions of the Town Municipal Code.
13. **IMPACT ON PUBLIC HEALTH:** The project is proposed to include the *use* of herbicides and/or pesticides in qualities and types of usage that is typical of other business areas in the *Town*.
14. **IMPACT ON GROWTH AND CHARACTER OF THE COMMUNITY OR NEIGHBORHOOD:** The Project Plan is consistent with the Town of Big Flats Comprehensive Plan and does not propose an expansion in growth that would exceed 5% of the current population.

AND FURTHER RESOLVED that based on the findings stated above, this Board determines that this action will have no potential significant adverse impact on the environment, and therefore issues a Negative Declaration;

AND FURTHER RESOLVED that the Preliminary Plan is accepted as the Final Plan for *site plan* approval;

AND FURTHER RESOLVED that the approved Final Plan is subject to following further conditions:

1. **CONSTRUCTION TIMETABLE:** A construction timetable for all *improvements* will be written by the *Developer* and submitted to the *Code Enforcement Officer* (CEO) prior to the commencement of any construction for this *development*. This timetable will include scheduled completion dates for *improvements* and *shall* be submitted to the CEO prior to the issuance of any *Building Permit* for this site.
2. **MAINTENANCE RESPONSIBILITIES:** The *Developer* will retain maintenance responsibility in perpetuity for the on-site Storm Water Management System including catch basins, drywells and detention basin as intended by the design of the Final Plan. In addition, as proposed specifically in the Maintenance Plan for the Storm Water Drainage Plan.

3. **EROSION CONTROL:** *Temporary* erosion control measures will be taken during the entire course of construction. Where hay bales are used as *temporary* erosion control, fabric will be placed along the uphill side. The CEO will monitor these measures and the *Developer* and his contractors immediately to prevent any erosion will take corrective action, when necessary.
4. **AS-BUILT DRAWINGS:** The *Developer shall* provide the *Town* with as-built drawings, certified by the *Design Engineer*, submitted to the CEO for review and approval, that include as-built construction drawings of all required *improvements*. No Certificate of Occupancy *shall* be issued until the CEO has received and approved the as-built drawings for the phases of construction approved in this Resolution.
5. **LANDSCAPING/SEEDING:** The seeding of all disturbed soils *shall* take place as early in construction as possible. The seeding will be a type of seed appropriate for the grades indicated on the plan, and with the recommendation of the Chemung County Soil and Water Conservation *District*. All disturbed areas where seeding has been applied will be mulched to prevent erosion. All landscape planting as shown on the Final Plan are to be planted prior to the issuance of any permanent Certificate of Occupancy.
6. **CONSTRUCTION DEBRIS CONTROL:** No restricted Construction & Demolition (C&D) material, as defined by NYSDEC, will be disposed of at the site. All such material will be disposed of at the Chemung County landfill or any other appropriate site.
7. **NOISE AND DUST DURING CONSTRUCTION:** Construction activities that by their nature create excessive noise, such as, but not exclusive of, the operation of heavy earthmoving equipment, grading, and pouring concrete, *shall* occur between the hours of 8:00 a.m. and 7:00 P.M., Monday through Saturday. All construction equipment will be equipped with mufflers and utilized in such a manner as to reduce noise to the maximum extent possible and to maintain air quality. During the course of construction, excessive dust *shall* be controlled by water spraying or other method approved by the CEO. The Public Roadway, County Route 64, *shall* be kept free of debris and broom cleaned as required.
8. **MODIFICATION:** Modification or deviation from the approved Final Plan is permitted only with the prior approval of the Planning Board, except that the CEO *may* approve, with prior notification to the Chairman of the Planning Board, or member of the Planning Board with *temporary* responsibility of the Chairman, a modification of or deviation that produces no significant change in performance as indicated on/in the approved design of the Final Plan and in the conditions of approval set forth in this Resolution.
9. **SEWER DISTRICT APPROVAL:** All necessary approvals *shall* be obtained from the Chemung County Sewer *District #1* to permit a connection to the public sewer system prior to the issuance of any Certificate of Occupancy relating to this *site plan*.
10. **LIGHT SPILLAGE:** All outside lighting, including exterior lighting on the *building*, *shall* be shielded to prevent light spillage off the site, either horizontally or vertically and be of a type or design that will prevent excessive glare to traffic, pedestrians, and air traffic. The *applicant shall* provide copies of lighting equipment cuts and a statement from the *Design Engineer* in regard to the compliance with section 17.36.240 of the Town Municipal Code as part of any *application* for a *Building Permit* for this Site.
11. **SIGNS:** A freestanding *sign* and two directional *signs* have been approved as part of this *site plan* approval. Any future proposal to install any *sign* on this site will require a *site plan* Amendment prior to any *Building Permit* issued for such *signs*.
12. **DRIVE ENTRANCE:** The proposed *drive* into the service center is the only approved *drive* as shown on the final plan.

13. **INSPECTIONS:** The construction of this project *shall* be subject to construction inspections of all *improvements*. Furthermore, the project *shall* be inspected biannually to ascertain compliance with these conditions, applicable Local Laws and the NYS Uniform Fire Prevention and Building Code.
14. **IMPROVEMENTS:** The *drive* and *internal drives*, Storm Water Management System, water service main and sewage disposal *shall* be constructed and be acceptable to the authority having jurisdiction for each *improvement* prior to the issuance of any Certificate of Occupancy for this Project.
15. **PARKING:** *Parking* is restricted to the *parking lot*.
16. **FAILURE TO COMPLY:** Failure to comply with these Conditions *shall* constitute a violation of Town Municipal Code, Title 17.
17. **AGENCY PERMIT REQUIREMENTS:** The *applicant shall* apply for and be granted all *permits* that *may* be required by the Involved or Interested Agencies as *may* be applicable.
18. **OCCUPANCY REQUIREMENTS:** In the event of a change in tenancy or occupancy by anyone other than the *tenants* listed in this approved *Site Plan Application*, the *Applicant shall* submit to this Board documentation showing the identity of the proposed *occupant* and a description of the *use* in the form of a *Site Plan Amendment*.

CARRIED: AYES: Younge, Stewart, Esty, Fleisher, Ormiston, Masler, Piersimoni

NAYS: none

ABSTAIN: none

ABSENT: none

**SILICON CARBIDE PRODUCTS, INC.  
PRELIMINARY AND FINAL *SITE PLAN* AMENDMENT  
TAX PARCEL #57.03-2-12.13**

The Board reviewed the proposed resolution to finalize this *application*. Younge asked if the Chemung County Commissioner of Public Works approved the second *drive* on North Kahler Road be paved.

The Short Environmental Assessment Form was completed and being there were no further questions or comments, Fleisher asked for a resolution.

**RESOLUTION P69-2004  
SILICON CARBIDE PRODUCTS, INC.  
PRELIMINARY AND FINAL *SITE PLAN* AMENDMENT  
TAX PARCEL #57.03-2-12.13**

Resolution by: Younge

Seconded by: Piersimoni

WHEREAS this Board has received an *application* from Silicon Carbide for a *Site Plan* amendment for an additional *drive* entrance from Kahler Road North on tax *parcel* # 57.03-2-12.13;

AND WHEREAS the *parcel* is located at 361 Daniel Zenker Road at the intersection of Kahler Road North in the *Airport Business Development (ABD) district*;



AND WHEREAS the *applicant* has received approval for an addition to the existing manufacturing *building* and site modifications in Resolution P18-2004, dated March 30, 2004;

AND WHEREAS the business currently has two *drive* entrances, one from Daniel Zenker Road primarily for automobile traffic, and one from Kahler Road North, primarily for truck access;

AND WHEREAS the *applicant* has stated that the proposed *drive* will be for trucks only; that the need is based on the safety of the trucks entering the site from Kahler Road while other trucks are parked on site; and that the proposed *drive* will permit trucks to access the site without backing onto the *property* from Kahler Road;

AND WHEREAS Chapter 12.12.060 of the Town Municipal Code states “No more than two *driveways* to a single commercial establishment entering on one highway *shall* be permitted,” and this *parcel* is a corner *lot*, permitting two *driveways* onto each *road* from the *parcel*;

AND WHEREAS Mr. Coons spoke to the former Director of Building Inspection and Code Enforcement, Carl Carson, and Mr. Carson stated that, the intent of Chapter 12.12.060 was to permit corner *parcels* to have two *drives* onto each *road* that the *parcel* fronted on;

AND WHEREAS in Resolution P42-2004, dated June 1, 2004, this Board tabled action on the *application* pending review and comment by Mr. Coons, Director of Building Inspections and Code Enforcement, regarding a meeting with the *applicant* to discuss the truck access;

AND WHEREAS Mr. Coons, in a memo dated June 14, 2004, commented on his meeting with the *applicant* and his phone conversation with Tim Von Neida, Chemung County Commissioner of Public Works in which Mr. Von Neida indicated approval of the *drive* with the provision that the entry onto Kahler Road be paved;

AND WHEREAS the *applicant* has obtained a curb cut permit from the Chemung County Department of Public Works

AND WHEREAS the Chemung County Planning Board, at its July 15, 2004 meeting, recommended approval by the *Town*;

THEREFORE BE IT RESOLVED that based on the review of the Short Environmental Assessment Form of SEQRA completed by the *applicant* and this Board, this Board finds no significant potential adverse environmental impact and therefore issues a Negative Declaration;

AND FURTHER RESOLVED that the Preliminary Plan is approved and accepted as the Final *Site Plan*;

AND FURTHER RESOLVED that the Final *Site Plan* is approved.

CARRIED: AYES: Younge, Stewart, Esty, Fleisher, Ormiston, Masler, Piersimoni

NAYS: none

ABSTAIN: none

ABSENT: none

**VERIZON COMMERCIAL *SITE PLAN***  
**CONCEPT PLAN**  
**TAX *PARCEL* #66.04-3-20**

Fleisher invited Mr. Robert Burgdorf an attorney at Nixon Peabody, LLP, to present the *site plan application* on behalf of Verizon Wireless. Mr. Burgdorf introduced the project manager Sandra Brooks.

Mr. Burgdorf presented the following:

- Corning Incorporated, located on County Route 64, contacted Verizon of their plans to dismantle the water tower where the *applicant's antenna* is presently mounted.
- The *application* is to replace the telecommunication facility on the water tower with a monopole at the same site.
- The proposed monopole would provide coverage to the same area as shown in Exhibit F Propagation Study. The 20 – 25 feet additional height about that which is permitted by code would close the coverage gap to the west and provide consistent coverage along New York State Route 17/I-86.
- It is important to keep the monopole in the same vicinity because the area topography affects the transmission signal.
- The 140-foot monopole contains no guide wires or lattice.
- The base would include an equipment shelter surrounded with a chain link *fence* and no water hookup. It will be unmanned, except for monthly equipment inspection.
- The report that was submitted by Nixon Peabody, LLP, included Planning Appearance Studies, Emission Compliance Study, and Compliance with *Town* WTF standards '2002.

Mr. Burgdorf replied to the Board's following questions and comments:

Younge commented that she recalled the original plan indicated a telescoping pole. Mr. Burgdorf explained that the poles are typically constructed with a foundation that would permit future expansion. Having the base designed and constructed for an additional provider's equipment would be cost effective and efficient should a co-locator, a stronger tower or a taller tower prove necessary. Fleisher commented that it is his understanding that the prime reason for extending the pole would be for the Board to authorize a co-locator. Younge wanted it noted that the Board is not approving a 195-foot monopole as indicated in Sheet #Z-1 of the *site plan*. Mr. Burgdorf agreed that this was not the intent of the *application*.

Piersimoni asked why a six-panel *antenna* was necessary. Mr. Burgdorf explained that the six-panel *antenna* can reuse the frequencies, thereby reducing the number of towers compared to the old style omni *antenna*.

Esty asked how the existing *antenna* was allowed when *antennas* are not permitted in that *district*. Coons replied that monopole *structures* are permitted only in the Rural *District* according to our code.

Masler asked how effective it would be to co-locate on the existing AT&T tower and construct a lower 80-90 foot tower at the Corning, Inc. site. Construct one and co-locate on an existing tower. Mr. Burgdorf replied, that question comes up occasionally. However, there are some Radio Frequency technical reasons why that network design is poor in addition to the cost of two towers. The engineers prefer relatively similar size cells because of the dominant signal and to eliminate a ping-pong effect.

In answer to Stewart's question as to the height of the present tower, Mr. Burgdorf replied that the centerline is 115 feet in height. Ms. Brooks explained that the Radio Frequency design was around this existing site. Therefore, if changed could create problems not anticipated.

Younge asked Mr. Burgdorf what options the *applicant* would have if the Board does not grant approval. He replied that the Board would have to help them find another site which would work as well from a technological standpoint. Younge asked if this is the only location considered. Mr. Burgdorf replied that there is some play to location before coverage is affected. Ms. Brooks reminded the Board that the existing location is in an industrial area and the new monopole would be in place of

the water tower. Masler asked about airport regulations concerning the height of the pole. Mr. Burgdorf replied that he believes that the regulations allow up to 200 feet in height.

Coons presented documents to the Board from the New York State Zoning Law and Practice which detailed how cellular companies have rights that are afforded to them that are not afforded to the general public. He explained that this *application* would be reviewed as a *use* and area variance and that the Attorney for the *Town* would be of assistance to the Board in deciphering the legalities. Mr. Burgdorf asked for clarification in respect to the ZBA procedures.

It was determined that the Director of Building Inspection and Code Enforcement would set up a meeting with the Attorney for the *Town*, the Planning Board and the Zoning Board of Appeals (ZBA) to discuss the *application*. An *application* package will be mailed to the Chemung County Planning Board prior to the SEQRA Review for their comments.

Fleisher asked the Board members if they had any further questions, being none, he asked for a resolution.

**RESOLUTION P70-2004**  
**VERIZON COMMERCIAL *SITE PLAN***  
**CONCEPT PLAN**  
**TAX *PARCEL* #66.04-3-20**

Resolution by: Esty  
Seconded by: Stewart

WHEREAS this Board has received an *application* from Nixon Peabody, LLP, Attorneys at Law, on behalf of NYNEX Mobile of New York, L.P. d/b/a Verizon Wireless for the construction of a monopole and wireless telecommunication facility on tax *parcel* #66.04-3-20;

AND WHEREAS the *property* is located 271 County Route 64, namely Corning Incorporated, in the Industrial (I) *district*;

AND WHEREAS currently the *applicant* has an *antenna* located on a water tank on the subject site;

AND WHEREAS the *applicant* proposes to remove the existing *antenna* and water tank, and construct a 140 foot high monopole and a 12 foot by 30 foot equipment shelter as shown on a *site plan* by Costich Engineering, Job number 3373 dated 1/29/04, revised 4/12/04 and revised 6/7/04;

AND WHEREAS a monopole is a tower as defined in Chapter 17.04.050;

AND WHEREAS Chapter 17.12.010, *Use Requirement Table*, does not permit a tower in the Industrial *district*;

AND WHEREAS the *applicant* was notified by the Director of Building Inspection and Code Enforcement that the request does not comply with the Town Municipal Code, and the *applicant*, in letter dated July 7, 2004 has requested a *Use Variance* from the Zoning Board of Appeals (ZBA);

AND WHEREAS the *applicant* has submitted an engineering analysis received July 29, 2004, documenting the *applicant's* need to locate the *antenna* on said site to maintain network coverage needs;

THEREFORE BE IT RESOLVED that this Board finds this *application* to be significantly complicated due to the *applicant's* references to applicable legal standards;

AND FURTHER RESOLVED that this *application* is tabled pending consultation with the Attorney for the *Town*.

CARRIED: AYES: Piersimoni, Masler, Ormiston, Fleisher, Stewart, Younge

NAYS: none

ABSTAIN: none

ABSENT: none

**REYNOLDS SUBDIVISION CONCEPT PLAT  
TAX PARCEL #47.00-1-33.1**

The Board reviewed the proposed resolution that would accept the *application* and set a public hearing. Coons explained to the Board the exact location of the proposed subdivision on the map provided. The Short Environmental Assessment Form was completed. There being no further questions or comments, Fleisher asked the Board for a resolution.

**RESOLUTION P71-2004  
REYNOLDS SUBDIVISION CONCEPT PLAT  
TAX PARCEL #47.00-1-33.1**

Resolution by: Piersimoni

Seconded by: Ormiston

WHEREAS the Planning Board has received an *application* from Steven Reynolds, *owner* of tax *parcel* #47.00-1-33.1, for the *subdivision* approval of a 43.665-acre *parcel*, as shown on a *survey* map by Weiler Associates, revised July 20, 2004, to create the following two *lots*:

- *Parcel* D-1 being 5.147-acre *lot* containing farm *buildings*, and
- *Parcel* D-2 being 38.518-acres *lot* containing vacant land;

AND WHEREAS the proposed *subdivision* is located at Chambers Road, adjacent to Upson Road in the Rural (RU) *District*;

AND WHEREAS the *Bulk* and *Density* Control Schedule requires three acres for a residential *lot* without public water or sewer;

AND WHEREAS the adjoining *property owners* have been notified of this *application* pursuant to the rules of the Planning Board;

THEREFORE BE IT RESOLVED that this Board accepts the documentation in this *application* as a Preliminary Plat in accordance with Title 16 of the Town Municipal Code;

AND FURTHER RESOLVED that, for environmental review this Board finds action on this *application* to be an Unlisted Action in accordance with 6NYCRR 617.3 and that this Board is the Lead Agency completing an uncoordinated review with informational notice of this *application* given to the Chemung County Department of Public Works, Chemung County Health Department and the Chemung County Planning Board;

AND FURTHER RESOLVED that, based on the review of the Short Environmental Assessment Form of SEQRA completed by the *applicant* and this Board, this Board finds no significant potential, adverse, environmental impact;

AND FURTHER RESOLVED that this *application* be *referred* to the Chemung County Planning Board pursuant to General Municipal Law 239-n as this *property* is located within 500 feet of County Route 35;

AND FURTHER RESOLVED that a Public Hearing is required for Preliminary Plat of proposed *subdivisions* and this Board sets a Public Hearing on the Preliminary Plat for September 14, 2004 at 6:33 P.M. or soon thereafter as practical.

CARRIED: AYES: Piersimoni, Masler, Ormiston, Fleisher, Stewart, Younge

NAYS: none

ABSTAIN: none

ABSENT: none

**LUMS/DUNKIN' DONUTS  
CONCEPT SITE PLAN  
TAX PARCEL #57.04-1-2**

The Board reviewed the proposed resolution. Coons commented that the existing storm drainage system leading directly into Sing Sing Creek needed to be identified ownership of Sing Sing Creek.

Fleisher invited the *applicant* to present the *application* to the Board. Mr. Rod Prosser of Lakeside Engineering P.C. presented the *application* on behalf of the *applicant*. Mr. Prosser described the following as noted in the submitted *site plans*:

- The *site plan* contains a 2,000 square foot donut shop with a capacity for two additional *retail* stores (unidentified at this time),
- The *applicant* would be submitting an area variance for the *lot coverage* and a *façade sign* that does not face a public road.
- The proposed landscaping would be a betterment to the existing landscaping,
- The *parking area* would be improved,
- No new curb cuts are proposed,
- A *drive-through* for the donut shop section is expected to generate 40-60% of the three business *mall* proposed,

Fleisher asked Mr. Prosser about the access off the private *drive* owned by the adjacent *property owner* (Sunoco Filling Station). Mr. Prosser replied that he understands that there is a Cross Access Agreement. Fleisher stated that the Board would need a copy of this agreement.

Piersimoni asked about delivery truck ingress and egress. Mr. Prosser replied that the truck delivery egress would be through the private *drive* generally once a week from 6 a.m. to 9 a.m. for the donut shop. Younge commented that the *site plan* also includes two additional *retail* businesses that *may* require a different delivery schedule and traffic patterns. Esty asked if the north entrance would be an egress only. Mr. Prosser replied that this location is proposed for egress and ingress traffic. Stewart commented that he thought the turn radius for the delivery truck seemed adequate.

Ormiston recommended that the traffic impact study take into account maximum usage especially focusing on Chambers Road from Arnot Road to New York State Route 17/I-86 Exit 51 traffic. The Traffic Impact Study should not be inclusive of just morning traffic because the donut shop also includes soups etc. served throughout the day. Masler commented that future *use* of the *property* be taken into consideration. Mr. Prosser replied that the traffic study would include all of the Boards concerns. Esty agreed that the existing traffic pattern on Chambers Road needs *improvement* even adding a new *use*. Younge questioned how an accurate traffic study can be done if the *use* of the two additional *retail* stores is unknown. Mr. Prosser replied that the existing *restaurant* probably generates a greater amount of traffic than the three proposed businesses. Piersimoni commented that she would like the Chemung County Planning Board to comment about the traffic congestion concerns. Fleisher commented that the congestion created by growth could be mitigated as much as possible.

Piersimoni expressed her concern with the 79% *lot coverage* and suggested the possibility of scaling the project back to accommodate the Town Municipal Code *Bulk* and *Density* Table, which allow a

generous 70% *lot coverage*. That would scale back the proposed *mall* from 6800 to 4760 square feet. Mr. Prosser commented that the existing business has a *lot coverage* of greater than 80%. Stewart asked if this *application* would qualify as grandfathered. Piersimoni replied that because the *use* is changed the grandfather clause would not apply.

Piersimoni commented that it appears that the adjoining racetrack business has lost its *parking area*. Younge asked the *applicant* if they intend to allow the racetrack business employees and clientele *use* of the *parking* spaces allotted for their business. She reminded the *applicant* that to allow the racetrack the *use* of their *parking* spaces would in turn require additional *parking* spaces for their proposed *application* to comply with the code. This would encompass additional *lot coverage*. The *applicant* replied that no agreement has been made with the racetrack; therefore, he can not respond at this time.

Coons commented that the photometric diagram on the proposed *application* shows too much light bleeding off the site. Mr. Prosser replied he was unaware of this and would make the necessary corrections.

The Board agreed that the on-site *application* is excellent but the Board needs to consider all aspects of impact to the community. Masler commented that he would like the *applicant* to consider *re-designing* the *site plan* to comply with the 70% *lot coverage* and the 15-foot *setback*.

The Zoning Board of Appeals (ZBA) procedures were reviewed with the *applicant*. There being no further questions or comments, Fleisher asked for a resolution to allow the *applicant* and Board time to further review and obtain the required documentation.

**RESOLUTION P72-2004**  
**LUMS/DUNKIN' DONUTS**  
**CONCEPT SITE PLAN**  
**TAX PARCEL #57.04-1-2**

Resolution by: Stewart  
Seconded by: Younge

WHEREAS this Planning Board has received an *application* for a *site plan* review and approval from Andy Patel, *owner* of Big Flats Donuts, Inc., for construction of a 6800 square foot *building* on tax *parcel* #57.04-1-2 as shown on drawings by Lakeside Engineering, dated 6/3/04, revised 7/16/04;

AND WHEREAS the *property* is 0.86 acres located at 3317 Chambers Road in the Business Regional (BR) *district*;

AND WHEREAS the *applicant* is proposing to demolish the existing Lum's *Restaurant* and construct a 6,800 square foot *building* for a Dunkin' Donuts *restaurant* and the balance of the floor area to be used for *retail use*;

AND WHEREAS the proposed *development* is a *mall development* as this contains three or more businesses, pursuant to Chapter 17.04.010 of the Town Municipal Code;

AND WHEREAS the proposed *building* will have a *drive-through use* and said *use* complies with the applicable standards as set forth in Chapter 17.36.220 of the Town Municipal Code;

AND WHEREAS the *applicant* proposes to have 34 *parking* spaces including two handicap *parking* spaces, complying with Chapter 17.48;

AND WHEREAS the *applicant* proposes to dispose of on-site storm water through a series of catch basins then into the existing storm drainage system leading directly into Sing Sing Creek;

AND WHEREAS the *applicant* proposes to connect to the existing sanitary sewer lateral;

AND WHEREAS the *applicant* proposes new water, electric and gas services to supply the *building*;

AND WHEREAS the *Bulk and Density Control Schedule* permits 70% *lot coverage* and the *applicant* proposes 79% *lot coverage*, and the existing *lot coverage* is in excess of 80%;

AND WHEREAS Chapter 17.36.200 of the Town Municipal Code (*Buffer and Barrier Requirements*) requires the fifteen foot side *setback* to be provided with landscaping, and *shall* not contain any *structures, drives or parking spaces*;

AND WHEREAS the *applicant* proposes the following signage:

- An 18 foot high freestanding *directory sign* identifying three *tenants*,
- Façade signage for each *tenant* located on the east elevation facing Chambers Road,
- Façade signage for Dunkin' Donuts located on the south elevation that does not face a public *road*,
- *Directional sign* identifying the *drive-through* located at the *drive* entrance.

AND WHEREAS the façade signage on the south elevation does not comply with Chapter 17.52.040(D), as it does not face a public *road*;

AND WHEREAS the adjoining *property owners* have been notified of this *application* in accordance with the Rules of the Town Municipal Code;

THEREFORE BE IT RESOLVED to accept the documentation in this *application* as a Concept Plan;

AND FURTHER RESOLVED for environmental review purposes this Board finds this action to be an Unlisted Action in accordance with 6NYCRR part 617.6, and this Board intends to act as Lead Agency for this action and will complete a uncoordinated review in accordance with 6NYCRR, part 617 with informational notice sent to the following agencies:

- New York Department of Transportation
- Chemung County Department of Public Works
- Chemung County Sewer *District#1*
- Chemung County Planning Board
- Elmira-Corning Regional Airport
- Town and Country Fire Department
- Town of Big Flats Water Board
- Chemung County Health Department

AND FURTHER RESOLVED that this Board finds that the proposed *use* will have a potentially significant adverse affect on the surrounding *road* network and the *applicant* shall provide a traffic impact study with a focus on the following intersections:

- Chambers Road and Colonial Drive
- Chambers Road and Arnot Road
- Chambers Road and New York State Route 17/I86 Exit 51
- Chambers Road and County Route 64

AND FURTHER RESOLVED to refer this *site plan application* to the Chemung County Department of Public Works for review and comment of the proposed ingress/egress onto County Route 35 (Chambers Road);

AND FURTHER RESOLVED to refer this *site plan application* to the Chemung County Sewer *District #1* for review and comment of the adequacy of the existing sanitary sewer connection;

AND FURTHER RESOLVED to refer this *site plan application* to the Town of Big Flats Water Department for review and comment of the adequacy of the existing water supply;

AND FURTHER RESOLVED that the *applicant* shall submit documentation of an *easement* agreement at the south exit.

CARRIED: AYES: Younge, Stewart, Esty, Fleisher, Ormiston, Masler, Piersimoni

NAYS: none

ABSTAIN: none

ABSENT: none

**GILES FARM MARKET  
CONCEPT *SITE PLAN*  
TAX PARCEL #67.02-1-2.111**

Fleisher introduced the *site plan application*. The Board reviewed the proposed resolution and discussed the following:

- Ormiston questioned as to whether this *site plan application* should be designed by a licensed engineer. Fleisher replied that the Board could waive this requirement. Board members agreed to waive as long as what is presented is complete and understandable.
- Esty questioned the difference between this *application* and a convenience store. Coons replied that this is not a convenience store by definition. Fleisher added that it is the same criteria under *site plan* review.
- Piersimoni commented that the *parking* needs be detailed.
- Tom Giles, the *applicant*, commented he intends to construct a *fence* to relieve the *drive* and *parking* concerns. He is waiting for *signs* to direct traffic. Piersimoni asked if the new *signs* are in addition to all the other *signs*. Mr. Giles replied that the farm market business requires continuous change in signage according to season. Fleisher asked the Director of Building Inspection and Code Enforcement if the *temporary signs* count against square footage. Coons replied that the concern is the amount of permanent versus *temporary* signage. The permanent and *temporary* signage needs to be clarified on the *site plan application* to meet *sign* regulations. Younge asked if the issue of the signage is a traffic safety concern or aesthetics. Coons replied that signage facing an interstate is regulated by the state under the "Highway Beautification Act". Fleisher recommended that the *applicant* consider a *sign* with changeable panels to remove and insert new signage easily.

Fleisher asked if there is any further questions or comments. There being none, he asked for a resolution.

**RESOLUTION P73-2004  
GILES FARM MARKET  
CONCEPT *SITE PLAN*  
TAX PARCEL #67.02-1-2.111**

Resolution by: Ormiston

Seconded by: Masler

WHEREAS this Board has received an *application* from Thomas Giles, *owner* of Maple Valley Farm Market, for *site plan* approval for the expansion of a farm market operation on tax *parcel* #67.02-1-2.111;

AND WHEREAS the 2.14-acre leased *property* is located at 791 County Route 64 in the Business Regional (BR) *district*;



AND WHEREAS the *property* is owned by the Welles Family Trust;

AND WHEREAS the *applicant* has operated the business as a *Roadside Stand* and now wishes to expand the operation, and said expansion will constitute a new *use*, namely a *Farm Market*;

AND WHEREAS the *Town Board*, at its June 23, 2004 meeting, adopted Local Law #2, 2004, which defines *Farm Market* as follows:

*Farm Market. A permanent structure, operated on a seasonal or year-round basis, that allows for agricultural producers to retail agricultural plant products and agriculture-related items directly to consumer and enhance income through value-added products, services, and activities.*

AND WHEREAS the *applicant* proposes to construct a split-rail *fence structure* to delineate the ingress/egress *drive*, and the *applicant* has obtained a curb cut permit from the Chemung County Department of Public Works;

AND WHEREAS the *applicant* intends to construct a 20 foot by 32 foot addition to the existing 1,024 square foot *building*;

AND WHEREAS the *applicant* intends to have an outside display area located in front of the existing *building*;

THEREFORE BE IT RESOLVED this Board accepts the documents presented as a concept plan;

AND FURTHER RESOLVED the *applicant shall* submit a letter from the *property owner* granting approval of the *application*;

AND FURTHER RESOLVED this Board finds this *application* does not contain sufficient information to complete an environmental review and the *applicant shall* submit a detailed *site plan* showing:

- *Building* dimensions and *setbacks*
- Location and dimensions of *parking* spaces
- Exact location of *drive*
- Location of any *accessory structures*
- Location and size of any proposed signage
- Location of all *outdoor lighting*
- Proposed landscaping
- Location of dumpster
- Location of portable bathroom

AND FURTHER RESOLVED this *application* is tabled pending further submission of the required documentation.

CARRIED: AYES: Piersimoni, Masler, Ormiston, Fleisher, Stewart, Younge

NAYS: none

ABSTAIN: none

ABSENT: none

#### COMMENTS:

- Younge commented that the Big Flats *sign* going east from Corning towards Big Flats on the interstate is not aesthetically correct.
- The Board commented that the meeting room was too small when Fleisher asked the Board for comments concerning the new meeting room.
- Stewart informed the Board that he would be unavailable to attend Board Meeting in the

month of September 2004. He also informed the Board that he would be unavailable from June 2005 to ???. The Board discussed having an alternate Planning Board member to fill in when Board members are unavailable for extended periods-of-time. An *Applications* Committee member was suggested and will be asked.

Meeting adjourned at 9:20 P.M.

Respectfully Submitted

Nancy Van Maarseveen  
Planning Board Secretary

**TOWN OF BIG FLATS PLANNING BOARD  
MINUTES OF AUGUST 24, 2004**

6:30 P.M.  
REGULAR MEETING  
Community Center  
Conference Room "A"

Present:

Chair - Mark Fleisher  
Carl Masler  
Scott Esty  
James Ormiston  
Lee Younge  
Angela Piersimoni  
Absent - Bill Stewart

Present: Gary Becker, Jamie Gensel, Ron Panosian, Jerry Welliver, Sharon Kaiser, Carl Carson,  
Sonny Patel, Rod Prosser, Andy Patel

Staff: Chuck Coons

**AGENDA**

The Board agreed that Items #4, 10, & 11 be removed from the Agenda and adopted the agenda as amended.

**MINUTES**

Fleisher asked the Board for comments concerning the minutes of August 3, 2004. Younge made a motion to accept and approve the minutes, seconded by Piersimoni. Ormiston abstained, Stewart was absent, Younge, Esty, Fleisher, Masler and Piersimoni were in favor, motion carried.

Fleisher asked the Board for comments concerning the minutes of Special Workshop on August 17, 2004. Piersimoni made a motion to accept and approve the minutes, seconded by Younge. Ormiston abstained, Stewart was absent, Younge, Esty, Fleisher, Masler and Piersimoni were in favor, motion carried.

**FOOD BANK OF SOUTHERN TIER  
SITE PLAN AMENDMENT  
TAX PARCEL # 58.03-1-52**

Fleisher reviewed with the Board the proposed resolution to finalize the Food Bank of Southern Tier *site plan application* to locate a fuel tank on the *property*.

There being no questions or comments, Fleisher asked for a resolution.

**RESOLUTION P74-2004  
FOOD BANK OF SOUTHERN TIER  
SITE PLAN AMENDMENT  
TAX PARCEL # 58.03-1-52**

Resolution by: Esty  
Seconded by: Masler

WHEREAS the Planning Board has received an *application* from Catholic Charities of the Southern Tier (Food Bank), for an amendment of the approved *site plan* on tax parcel #58.03-1-52.1 for the installation of an above ground fuel dispensing tank as shown on a sketch plan dated June 10, 2004;

AND WHEREAS the *property* is located at 945 County Route 64 in the Business Regional (BR) *District*,

AND WHEREAS the *applicant* proposes to place a 500 gallon above ground fuel dispensing tank on the westerly side of the *property*, five feet from the *building* and approximately 45 feet from the *property* line;

AND WHEREAS the Chemung County Planning Board at their August 19, 2004 meeting returned the *application* for local determination;

AND WHEREAS this Board issued a Negative Declaration in Resolution P60-2004, dated July 13, 04;

THEREFORE BE IT RESOLVED to approve the documents presented in this *application* as a Preliminary Plan for *site plan* approval and accepts the Preliminary Plan as the Final *Site Plan*;

AND FURTHER RESOLVED that the Final *Site Plan* is approved.

CARRIED: AYES: Younge, Esty, Fleisher, Ormiston, Masler, Piersimoni

NAYS: None

ABSTAIN: None

ABSENT: Stewart

**VERIZON WIRELESS *SITE PLAN***  
**PRELIMINARY PLAN**  
**TAX PARCEL #66.04-3-20**

Fleisher reviewed with the Board that Mr. Robert Burgdorf, attorney for Nixon Peabody, LLP on behalf of NYNEX Mobile of New York, L.P. d/b/a/ Verizon Wireless at the August 3, 2004 Planning Board Meeting. Because of the legal issues, the Planning Board would hold a Special Workshop and invite the Attorney for the Town, the Zoning Board of Appeals and Town Board members for a question and answer discussion.

Fleisher stated that it was the opinion of the Executive Committee and those in attendance at the special workshop that the *Use* Variance be favorably recommendation to the Zoning Board of Appeals (ZBA).

The Board reviewed the five criteria set forth by New York State to determine a recommendation to the Zoning Board of Appeals (ZBA) for an Area Variance to permit a tower higher than 120 feet.

The Board discussed that this *application* would only approve the 140-foot monopole. If the *applicant* intends to change the height of the monopole by telescoping, a new *Site Plan Application* would need to be submitted and approved. Fleisher suggested that a condition be added on the final resolution requiring a *site plan* amendment for any height change.

At the workshop, Tom Reed, the Attorney for the Town, suggested and agreed that the *applicant* be

There being no further questions or comments, Fleisher asked for a resolution.

**RESOLUTION P75-2004**  
**VERIZON WIRELESS SITE PLAN**  
**PRELIMINARY PLAN**  
**TAX PARCEL #66.04-3-20**

Resolution by: Esty

Seconded by: Younge

WHEREAS this Board has received an *application* from Nixon Peabody, LLP, Attorneys at Law, on behalf of NYNEX Mobile of New York, L.P. d/b/a Verizon Wireless for the construction of a monopole tower and wireless telecommunication facility on tax parcel #66.04-3-20;

AND WHEREAS the *property* is located at 271 County Route 64, namely Corning incorporated, in the Industrial (I) *district*;

AND WHEREAS currently the *applicant* has an *antenna* located on a water tank on the subject site;

AND WHEREAS the *applicant* proposes to remove the existing *antenna* water tank, and construct a 140 foot high monopole tower and a 12 foot by 30 foot equipment shelter as shown on a *site plan* by Costich Engineering, Job number 3373 dated 1/29/04, revised 4/12/04 and revised 6/7/04;

AND WHEREAS the construction of the foundation of the tower could accommodate a 45 foot extension, for a total of 195 feet;

AND WHEREAS a monopole is a tower as defined in Chapter 17.04.050;

AND WHEREAS the adjoining *property owners* have been notified of this *application* pursuant to the Rules of the Planning Board;

AND WHEREAS Chapter 17.12.010, *Use Requirement Table*, does not permit a tower in the Industrial *district*, in Chapter 17.36.180(D)(4) the maximum permitted height of a tower is 120 feet;

AND WHEREAS the *applicant* was notified by the Director of Building Inspection and Code Enforcement that the request does not comply with the *Town Municipal Code*, and the *applicant*, in letter dated July 7, 2004 has requested a *Use Variance* and an *Area Variance* from the Zoning Board of Appeals (ZBA);

AND WHEREAS the *applicant* has submitted an engineering analysis received July 29, 2004, documenting the *applicant's* need to locate the *antenna* on said site to maintain network *coverage* needs;

AND WHEREAS this Board met with Tom Reed, Attorney for the Town, to discuss the legal aspects of variances for public utilities, and the conclusion that cellular phone providers are public utilities as determined by the New York Court of Appeals in *Cellular Telephone Co. v. Rosenberg* (1993);

AND WHEREAS the *applicant* has met with this Board to present the reasons to locate the tower and wireless telecommunication facilities at this site, and the reasons are as follows:

- the *applicant* currently has an *antenna* at this location on the water tower, and their system relies on this *antenna* for required *coverage*,
- there currently is a gap in service to the west, and a tower 20 feet higher than permitted will close that gap,
- locations in the RU *district* do not provide *coverage* required due to difficulties locating on steep slopes or the fact that the tower would exceed the allowable height established by the FAA.

THEREFORE BE IT RESOLVED that this Board accepts the documentation submitted in this *application* as a Preliminary Plan;

AND FURTHER RESOLVED that this Board finds the *applicant* requires a *Use* variance to permit a monopole tower in a *district* other than Rural *district*, and this Board finds that the *applicant* has demonstrated the need for a tower based on the following:

- the *property owner*, being Corning Inc., will be demolishing the existing water tank, forcing the *applicant* to relocate the *antenna*,
- there are no other *structures* in the immediate area that are high enough to locate an *antenna* and still maintain adequate cellular *coverage*,
- there are currently other *antennas* within the *applicant's* network that require the signal of this *antenna*.

AND FURTHER RESOLVED this Board sends favorable recommendation to the ZBA for approval of a *Use* Variance;

AND FURTHER RESOLVED that this Board finds that the *applicant* require an Area Variance to permit a tower higher than 120 feet;

AND FURTHER RESOLVED this Board makes the following comments on the facts of this case based on the five criteria set forth by New York State for review of an area variance, and as set forth in Chapter 17.60.050 of the *Town Municipal Code*:

1. Can benefit be achieved by other means feasible to the *applicant*?  
No
2. Will there be an undesirable change in neighborhood character or to nearby properties?  
No
3. Is the request substantial?  
No, this amounts to a 16.6% increase
4. Will the request have adverse physical or environmental effects?  
No
5. Is the alleged difficulty self-created?  
Yes

AND FURTHER RESOLVED this Board send favorable recommendation to the ZBA for approval of the requested Area Variance;

AND FURTHER RESOLVED that this *application* be referred to the Chemung County Planning Board pursuant to General Municipal Law 239-m as this *property* is located within 500 feet of County Route 64;

AND FURTHER RESOLVED that this *application* is tabled pending decision by the Zoning Board of Appeals.

CARRIED: AYES: Younge, Esty, Fleisher, Ormiston, Masler, Piersimoni

NAYS: None

ABSTAIN: None

ABSENT: Stewart

**AIRPORT CORPORATE PARK SOUTH**

**DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT (DGEIS)**

**LEAD AGENCY INTENT**

**TAX PARCEL #57.02-2-60 & 67.01-1-7.1 & 67.01-1-5 & 66.02-2-37**

The Board reviewed that the purpose of this resolution is for the Board to declare itself Lead Agency for purposes of the environmental review process and this would initiate the scoping process of the Draft Generic Environmental Impact Statement.

**RESOLUTION P76-2004**

**AIRPORT CORPORATE PARK SOUTH**

**DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT (DGEIS)**

**LEAD AGENCY INTENT**

**TAX PARCEL #57.02-2-60 & 67.01-1-7.1 & 67.01-1-5 & 66.02-2-37**

Resolution by: Piersimoni

Seconded by: Masler

WHEREAS this Board has received a request from Chemung County Industrial Development Agency (CCIDA) to consider *development* of the *property* known as *Airport Corporate Park (ACP)* South, encompassing Tax Parcels # 57.02-2-60, 67.01-1-7.1, 67.01-1-5 & 66.02-2-37;

AND WHEREAS the site is approximately 220 acres and is located south of Route 17/ I-86, and located in the *Airport Business Development (ABD) district*;

AND WHEREAS the *development* of this site will include, but is not limited to, construction of office and manufacturing *buildings* consistent with *uses* allowed in the *Town Municipal Code*, Chapter 17.12.010, *parking area* for more than 1000 vehicles, and related infrastructure including *roads* and utilities;

AND WHEREAS James Gensel, engineer for the *applicant*, met with this Board on June 28, 2004, to present preliminary findings on the environmental impacts associated with this *development*;

AND WHEREAS the *applicant* has submitted a Full Environmental Assessment Form;

AND WHEREAS the Chemung County Health Department in a letter dated, July 20, 2004 stated no objection to the Town of Big Flats Planning Board being the Lead Agency;

AND WHEREAS the Chemung County Planning Department in a letter dated, July 21, 2004 stated no objection to the Town of Big Flats Planning Board being the Lead Agency;

AND WHEREAS the State of New York Department of Transportation in a letter dated August 11, 2004 stated no objection to the Town of Big Flats Planning Board being the Lead Agency;

AND WHEREAS the New York State Office of Parks, Recreation and Historic Preservation responded to the *applicant* in a letter dated August 11, 2004 with Archeology Comments 02PRO2711.

AND WHEREAS all correspondence received were faxed to Fagan Engineering on August 17, 2004;

THEREFORE BE IT RESOLVED that this Board declares itself Lead Agency for purposes of environmental review pursuant to NYCRR 617.6(b), and initiates the scoping process for the Draft Generic Environmental Impact Statement;

AND FURTHER RESOLVED that this Board finds that the proposed *development* would have a potential adverse environmental impact, and therefore requires the preparation of an Environmental Impact Statement.

CARRIED: AYES: Piersimoni, Masler, Ormiston, Fleisher, Esty, Younge

NAYS: none

ABSTAIN: none

ABSENT: Stewart

**ARNOT REALTY/  
CHAMBERS ROAD PLAZA PHASE II  
THE SHOPS AT CHAMBERS  
SITE PLAN AMENDMENT  
TAX PARCEL #57.02-2-57**

The Board reviewed the proposed resolution and asked James Gensel the Engineer for the *applicant*, the following:

Younge asked Gensel to describe the **retaining wall, steep banks, and riprap** along the rear of the proposed *retail use* and along Sing Sing Creek shown in the proposed resolution.

- Gensel stated that no retaining wall is proposed; however, a plastic and fiber mesh along the slope behind the *building* is proposed. This mesh creates a rooting *structure* for grass or whatever land cover is used.
- Gensel described that the toe of the slope would be reinforced with medium riprap, (a chunky rock material) to prevent the *stream* from eroding the slope. Fleisher asked if there is any similar riprap construction used in the local area. Gensel replied that exit 56 of the New York State Route 17/-86 has a similar construction method.

Masler asked what is the *barrier* that is proposed along the top of the **slope**.

- Gensel replied that a Department of Transportation level guide rail would be used.

Coons asked Gensel to provide the location of the **floodway** boundaries. Gensel agreed.

Gensel explained that a larger basin would reduce the amount of impermeable *coverage* to 56%. Fleisher commented that if the Drainage Report will not be sent for *consultant* review, the Department of Environmental Conservation should provide comments on the storm water discharge. Gensel offered to submit the SPDES Permit.

Masler asked what the *applicant* intends to do with the **old well** located on the site.



- Gensel replied that the old well would be removed in accordance with EPA Rules. The proposed project is expected to use the existing public water and sewer systems.

Piersimoni inquired as to the **landscaping plans**.

- Gensel replied that there would be two trees per island as shown on the proposed *site plan* drawing. Fleisher commented that there were 64 trees indicated in the plan key. Gensel further commented that the dumpster would be centralized with a masonry wall as a screen. He added that a landscaping screen in front of the Talbots dumpster has been included in this proposed *site plan*.

Coons asked how the dumpster behind the *restaurant* would be **unloaded**.

- Gensel replied that the trucks would pick up usually during the early morning hours; this would avoid business traffic.

Coons inquired as to the **loading berths**.

- Gensel explained that for the *retail use*, trucks would load and unload on the one-way access *road*. The deliveries for the *restaurant* are made prior to lunchtime opening.

Fleisher questioned if the **ingress and egress** on Schweizer Road is an acceptable design for emergency and service vehicles.

- Gensel replied that delivery trucks would use the north to south one-way access *road* located in the rear of the proposed *retail building*.

Fleisher asked Gensel about the **striped walkways** and additional **stop signage**.

- Gensel replied that striped walkways and signage to be placed at the entrance and handicapped areas. Coons asked Gensel if the *applicant* to consider more **handicapped parking spaces**.

Fleisher asked Gensel if the 36,000 square feet of **building** was for one or multiple *tenants*.

- Carl Carson, Arnot Realty Corporation Construction and Planning Coordinator replied that each *retail* space would be between 1800 – 2000 square feet. Gensel presented an elevation drawing to the Board and described that the exterior of the *building* would be brick material and the lighting would be similar to those used on the existing Talbots store. Esty suggested that the *applicant* consider individualizing the exterior of the separate *retail* spaces to be more aesthetically pleasing.
- The individual **store signage** would be on the *building* façade. A short, freestanding directory *sign* is proposed at the entrance. Gensel explained that each store would be required to submit a separate *Site Plan Application* to the Board requesting individual signage. The *restaurant* signage will be submitted separately.

## Traffic

Piersimoni expressed her concern with the traffic increase with 10 new *retail* businesses added to that area.

- Gensel replied that the original **Traffic Study** was based on a proposed 77,000 square feet building area. The building area has been revised to 62,000 square feet.

Fleisher asked if that included service vehicles.

- Gensel replied that service vehicles are not included in peak hour estimates.

Esty suggested a more accommodating traffic flow for the *applicant* to consider.

- Gensel replied that a right-turn only and/or traffic signal and/or re-striping the highway with dedicated turn lanes could be considered at the main entrance.

Fleisher asked how far away the intersection was from warranting a traffic signal.

- Gensel replied there are ten (10) warrants, and this intersection only hits one. He stated that the main warrant for a traffic signal is peak hour delay or accidents.

Fleisher asked how many feet would this hypothetical signal be from the existing traffic signal.

- Gensel estimated that the traffic signal would be approximately 200 feet; however, if timed correctly would not present a problem. Gensel commented that Bergmann Associates is presently revisiting the *County's* traffic study.

Masler commented that the plan indicated that several *parking* spaces back into the service *road* that connect with Schweizer Road.

- Gensel replied that those *parking* spaces would be for the *restaurant* employee *parking* only.

Younge inquired as to **snow removal**.

- Gensel replied that the *parking lot* to the north side and the area behind Talbots would be used for excess snow.

Coons commented that Randy Olthof from the Chemung County Planning Board commented that since the *County* reviewed the original *application* two years ago, the Town has to determine if there is any additional countywide impact due to the new *application* before the *County* needs to review. Therefore, the *application* would not be submitted to the *County* for referral until a change or potential impact has been determined.

Fleisher summarized that this resolution would table the *application* pending the receipt of the comments as indicated.

#### **RESOLUTION P77-2004**

#### **ARNOT REALTY/**

#### **CHAMBERS ROAD PLAZA PHASE II**

#### **THE SHOPS AT CHAMBERS**

#### **SITE PLAN AMENDMENT**

#### **TAX PARCEL #57.02-2-57**

Resolution by: Younge

Seconded by: Ormiston

WHEREAS this Board has received an *application* from Arnot Realty for *site plan* approval of Phase 2 of the *development* of tax parcel #57.02-2-57 as shown on drawings by Fagan Engineers dated August 10, 2004;

AND WHEREAS the *property* is located at the south west corner of the intersection of Colonial Drive and Chambers Road in the Business Regional (BR) *district*;

AND WHEREAS the *parcel development* is immediately adjacent to Sing Sing Creek, and said creek is a protected trout *stream*;

AND WHEREAS the *applicant* proposes to construct a 5750 square foot standard free-standing *restaurant* and a 50,000 square foot *building* for *retail use*;

AND WHEREAS in Resolution P52-2002, dated September 10, 2002, this Board approved the *development* of the site and construction of Phase 1, which included the Talbot's *retail use*;

AND WHEREAS Bergmann Associates, as *Consultant* for the Town, reviewed the traffic and drainage studies that were based on the full *development* of the *parcel*, including Phase 2 construction;

AND WHEREAS the final approval of the original *site plan* required the following:

- A new traffic study be conducted with the *development* of Phase 2,
- Reconstruction of the ingress/egress onto Chambers Road,

AND WHEREAS the proposed *site plan* shows the following:

- A turning lane constructed on Chambers Road into the *parcel* for southbound traffic,
- The relocation of the detention basin to the north side of the *parcel*,
- The installation of steep banks, and rip-rap along the rear of the proposed *retail use* and along Sing Sing Creek,
- Installation of catch basins discharging storm water into the detention basin,
- Ingress/egress onto Schwiezer Road,
- Connection of water and sewer laterals at the south side of the *property* near the Talbot's store;

AND WHEREAS the Director of Building Inspections and Code Enforcement has expressed concern for firefighter safety at the rear of the *retail building* (west side) due to the steep slope;

AND WHEREAS the adjoining *property owners* have been notified pursuant to the rules of the Planning Board;

THEREFORE BE IT RESOLVED that this Board accepts the documents as a Preliminary Plan;

AND FURTHER RESOLVED that, for environmental review this Board finds action on this *application* to be an Unlisted Action in accordance with 6NYCRR 617.3 and that this Board is the Lead Agency completing an uncoordinated review with information notice of this *application* given to the Chemung County Department of Public Works and the Chemung County Planning Board;

AND FURTHER RESOLVED that this Board finds that the relocation of the detention basin and the proximity of the *building* construction to Sing Sing Creek *may* have a significant impact on the creek, and finds the change from the original *development* scope to be complex and requires hiring a *consultant* to review the drainage study and advise this Board on potential changes;

AND FURTHER RESOLVED that this *application* be sent to NYSDEC for review and written comment on the proposed storm water discharge into Sing Sing Creek, and additionally advise this Board on requirements pertaining to Phase 2 Storm Water Management regulations concerning this site;

AND FURTHER RESOLVED that this *application* be sent to the Chemung County Commissioner of Public Works for review and written comment of the proposed turning lane into the *parcel*;

AND FURTHER RESOLVED that this *application* be referred to the fire chief of Town and Country Fire Department for review and written comment regarding the Director of Building Inspections and Code Enforcement's concern for fire fighting safety at the west side of the *property*;

AND FURTHER RESOLVED that this *application* is tabled pending receipt of comments.

CARRIED: AYES: Younge, Esty, Fleisher, Ormiston, Masler, Younge

NAYS: None

ABSTAIN: None

ABSENT: Stewart

**SMITH RESIDENTIAL SUBDIVISION PLAT  
CONCEPT PLAT  
TAX PARCEL #66.04-4-44.21 and 66.04-4-45**

Fleisher asked the Board for questions or comments after reviewing the proposed resolution.

Younge commented that a large percent of the *property* is non-buildable because Guthries Run Creek runs through the *property*. In addition, if the intent of the *applicant* is to sell the *property* for *building lots*, the Planning Board needs to request that the *applicant* complete a New York State Office of Parks, Recreation and Historic Preservation (OPRHP) Study.

Piersimoni requested that a deadline be placed on the *applicant* for submitting a *survey* map to the Planning Board.

There being no further questions or comments, Fleisher asked for a resolution.

**RESOLUTION P78-2004  
SMITH RESIDENTIAL SUBDIVISION PLAT  
CONCEPT PLAT  
TAX PARCEL #66.04-4-44.21 and 66.04-4-45**

Resolution by: Ormiston

Seconded by: Esty

WHEREAS the Planning Board has received an *application* from Michael M. Smith, *owner* of tax *parcels* #66.04-4-44.21 and 66.04-4-45, for the re-*subdivision* approval of said two *parcels* to create one 93.4-acre *parcel*, and a *subdivision* to create the following two *parcels*:

- *Parcel A* being 7-acres containing vacant land that includes Guthrie Run, and
- *Parcel B* being 86.4-acres containing vacant land;

AND WHEREAS the proposed *subdivision* is located at Goss Road and Carpenter Road, near County Route 64 in the Conservation (C) and Residential 1 (R1) *Districts*;

AND WHEREAS the proposed 7-acre *parcel* is located in the R1 *district*, and the 86.4-acre *parcel* is located in the Conservation *district*,

AND WHEREAS the *Bulk and Density Control Schedule* requires 35,000 square feet for a residential *lot* without public water or sewer;

AND WHEREAS the adjoining *property owners* have been notified of this *application* pursuant to the rules of the Planning Board;

THEREFORE BE IT RESOLVED that this Board accepts the documentation in this *application* as a Preliminary Plat in accordance with Title 16 of the *Town Municipal Code*;

AND FURTHER RESOLVED that, for environmental review this Board finds action on this *application* to be an Unlisted Action in accordance with 6NYCRR 617.3 and that this Board is the Lead Agency completing an uncoordinated review with informational notice of this *application* given to the Chemung County Health Department and the Chemung County Planning Board;

AND FURTHER RESOLVED that, based on the review of the Short Environmental Assessment Form of SEQRA completed by the *applicant* and this Board, this Board finds no significant potential adverse environmental impact and therefore issues a Negative Declaration;

AND FURTHER RESOLVED that this *application* be *referred* to the Chemung County Planning Board pursuant to General Municipal Law 239-n;

AND FURTHER RESOLVED that this Board finds that the *applicant shall* submit a current *survey* map showing the proposed *subdivision* prior to the Public Hearing;

AND FURTHER RESOLVED that a Public Hearing is required for the Preliminary Plat of a proposed *subdivision* and this Board sets a Public Hearing on the Preliminary Plat for October 5, 2004 at 6:33 P.M. or soon thereafter as practical.

CARRIED: AYES: Piersimoni, Masler, Ormiston, Fleisher, Esty, Younge

NAYS: none

ABSTAIN: none

ABSENT: Stewart

**LUMS/DUNKIN' DONUTS  
CONCEPT SITE PLAN  
TAX PARCEL #57.04-1-2**

Fleisher asked Chuck Coons, Director of Building Inspection and Code Enforcement to present the latest revision on this *site plan*.

In referring to the revised Site, Lighting and Landscaping Plan dated August 17, 2004, Coons commented that the revision reflected the Planning Board's comments from the August 3, 2004 meeting as follows:

- The revision provided the 15' side *setback* on the southside of the *parcel* for the *buffer* according to *Town Municipal Code*; however, this revision removed the bypass lane to the *drive-through*.
- The *applicant* does not have a hands-on *easement* agreement, so the second ingress/egress was eliminated.
- The storm water is to be discharged into groundwater, per a conversation with Matt Gillette from Department of Environmental Conservation about his concern with thermal shock to the creek by directly dumping the water into the protected trout *stream*.

Upon receiving the revised plan, Coons consulted with Fleisher and Bill Stewart, Planning Board member, and it was agreed that the revised plan was did not meet expectations of the Planning Board. Therefore, the *applicant's* engineer, Kurt Rappazzo, Lakeside Project Manager, was contacted with suggested revisions.

Coons invited Rod Prosser, P.E., President of Lakeside Engineering P.C. to describe the current revised *site plan*. Rod Prosser stated that:

- the *drive-through* was added back into the *site plan*,
- *parking* spaces have been removed from the *site plan* to gain green space,
- a fully landscaped five (5) foot *Buffer* instead of the required 15-foot *buffer* to maximize the space has been requested which requires an Area Variance,
- an Area Variance has been requested to allow 78% *lot coverage* instead of the allowable 70%,
- the catch basins would be replaced with dry wells on the site so that the storm water would be discharged into the groundwater before entering the protected trout *stream*,

Prosser showed an elevation drawing and described the colors and materials to be used on the *building*.

Coons commented that the *applicant* had made changes to the front curbing and relayed a concern that Bill Stewart expressed with a blind spot if traffic tries to avoid the right-hand merging.

Younge commented as to the limited space allowed for truck deliveries. Rod Prosser replied that deliveries would generally occur in the morning before stores open.

Masler commented that the *use* of the additional lease has not been established; therefore, he is not in favor of the 78% *lot coverage*. He is concerned with a possible *use* change in the future.

Younge inquired if making the *building* smaller could be negotiable. Mr. Prosser replied that the *applicant* does not feel that making the *building* smaller would be economically feasible.

Fleisher commented that the square footage of the proposed 6,800 square foot *building* would have to reduce to 6,100 square feet in order to meet the allowable 70% *lot coverage*.

Younge inquired as to dumpster location and the accessibility of the pickup. Coons replied that the Business Regional *district* normally requires three acres; therefore, the *applicant* is giving more proportionally than regulations require.

The egress and ingress was discussed. The *easement* is shown on the *site plan* but has not been finalized with the *owner* of the *property*. Fleisher requested that the *applicant* provide a written *easement* agreement to the Board.

Fleisher summarized that the proposed resolution is to determine the Board's recommendation to the Zoning Board of Appeals on each of the three Area Variance requests.

**RESOLUTION P79-2004**  
**LUMS/DUNKIN' DONUTS**  
**CONCEPT SITE PLAN**  
**TAX PARCEL #57.04-1-2**

Resolution by: Ormiston  
Seconded by: Younge

WHEREAS this Planning Board has received an *application* for a *site plan* review and approval from Andy Patel, *owner* of Big Flats Donuts, Inc., for construction of a 6800 square foot *building* on tax parcel #57.04-1-2 as shown on drawings by Lakeside Engineering, dated 6/3/04, revised 7/16/04, revised August 23, 2004;

AND WHEREAS the *property* is 0.86 acres located at 3317 Chambers Road in the Business Regional (BR) *district*;

AND WHEREAS the *applicant* is proposing to demolish the existing Lum's *Restaurant* and construct a 6,800 square foot *building* to include a Dunkin' Donuts *restaurant* and the balance of the floor area to be used for two additional *retail uses*;

AND WHEREAS the proposed *development* is a *mall development* as this contains three or more businesses, pursuant to Chapter 17.04.010 of the *Town Municipal Code*;

AND WHEREAS the proposed *building* will have a *drive-through use* and said *use* complies with the applicable standards as set forth in Chapter 17.36.220 of the *Town Municipal Code*;

AND WHEREAS the revised plan proposes 30 *parking* spaces including two handicap *parking* spaces, complying with Chapter 17.48;

AND WHEREAS the Director of Building Inspection and Code Enforcement spoke to Matt Gillette, of the Department of Environmental Conservation, and Mr. Gillette expressed his concern of discharging storm water into Sing Sing Creek without cooling said water through the ground to prevent thermal shock to the creek;

AND WHEREAS the *applicant* proposes to dispose of on-site storm water into drywells;

AND WHEREAS the *applicant* proposes to connect to the existing sanitary sewer lateral;

AND WHEREAS the *applicant* proposes new water, electric and gas services to supply the *building*;

AND WHEREAS the *Bulk and Density Control Schedule* permits 70% *lot coverage* and the *applicant* proposes 78% *lot coverage*, and the existing *lot coverage* is in excess of 80%, and a *Area Variance* is required;

AND WHEREAS Chapter 17.36.200 of the *Town Municipal Code (Buffer and Barrier Requirements)* requires a fifteen (15) foot side *setback* to be provided with landscaping, and *shall* not contain any *structures, drives or parking* spaces;

AND WHEREAS the *applicant* is proposing a five foot wide tree-lined *buffer* on the south side of the *parcel*, and no *buffer* is proposed on the north side of the *parcel*; however, there is an existing 50 foot wide non-buildable *parcel* containing underground utilities adjacent to the north *property* line;

AND WHEREAS an *Area Variance* is required for the reduced *buffer yards*;

AND WHEREAS the *applicant* proposes the following signage:

- An 18 foot high freestanding *directory sign* identifying three *tenants*,
- Façade signage for each *tenant* located on the east elevation facing Chambers Road,
- *Directional sign* identifying the *drive-through* located at the *drive* entrance.

AND WHEREAS the proposed façade *sign* on the south elevation has been removed from the revised *site plan*;

AND WHEREAS the adjoining *property owners* have been notified of this *application* in accordance with the Rules of the *Town Municipal Code*;

AND WHEREAS the Chemung County Health Department in a letter dated, August 13, 2004 stated no objection to the Town of Big Flats Planning Board being the Lead Agency;

AND WHEREAS the State of New York Department of Transportation in a letter dated August 12, 2004 stated no objection to the Town of Big Flats Planning Board being the Lead Agency;

AND WHEREAS the Chemung County Sewer *district* stated no objection to the Town of Big Flats Planning Board being the Lead Agency;

THEREFORE BE IT RESOLVED to accept the documents presented in this *application* as a Preliminary Plan;

AND FURTHER RESOLVED that this *application* be referred to the Chemung County Planning Board pursuant to General Municipal Law 239-m as this *property* is located within 500 feet of County Route 35;

AND FURTHER RESOLVED that this Board finds that the *applicant* require an Area Variance to reduce the required *buffer yard* at the south side of the *parcel* from fifteen feet to five feet;

AND FURTHER RESOLVED this Board makes the following comments on the facts of this case based on the five criteria set forth by New York State for review of an Area Variance, and as set forth in Chapter 17.60.050 of the *Town Municipal Code*:

1. Can benefit be achieved by other means feasible to the *applicant*?  
No
2. Will there be an undesirable change in neighborhood character or to nearby properties?  
No
3. Is the request substantial?  
Yes
4. Will the request have adverse physical or environmental effects?  
No
5. Is the alleged difficulty self-created?  
Yes

AND FURTHER RESOLVED this Board send favorable recommendation to the ZBA for approval of the requested Area Variance;

AND FURTHER RESOLVED that this Board finds that the *applicant* requires an Area Variance to reduce the required *buffer yard* at the north side of the *parcel* from fifteen feet to zero feet;

AND FURTHER RESOLVED this Board makes the following comments on the facts of this case based on the five criteria set forth by New York State for review of an area variance, and as set forth in Chapter 17.60.050 of the *Town Municipal Code*:

1. Can benefit be achieved by other means feasible to the *applicant*?  
No
2. Will there be an undesirable change in neighborhood character or to nearby properties?  
No
3. Is the request substantial?



Yes, from a percentage standpoint

4. Will the request have adverse physical or environmental effects?

No

5. Is the alleged difficulty self-created?

Yes

AND FURTHER RESOLVED this Board send favorable recommendation to the ZBA for approval of the requested Area Variance;

AND FURTHER RESOLVED that this Board finds that the *applicant* require an Area Variance to permit an increase in *lot coverage* from 70% to 78%;

AND FURTHER RESOLVED this Board makes the following comments on the facts of this case based on the five criteria set forth by New York State for review of an area variance, and as set forth in Chapter 17.60.050 of the *Town Municipal Code*:

1. Can benefit be achieved by other means feasible to the *applicant*?

No, the *applicant* claims that reducing the size of the *building* would not be economically feasible

2. Will there be an undesirable change in neighborhood character or to nearby properties?

No

3. Is the request substantial?

Yes, 11% over the allowable 70%

4. Will the request have adverse physical or environmental effects?

No

5. Is the alleged difficulty self-created?

Yes

AND FURTHER RESOLVED this Board send favorable recommendation to the ZBA for approval of the requested Area Variance;

AND FURTHER RESOLVED that this *application* is tabled pending decision by the Zoning Board of Appeals.

CARRIED: AYES: Younge, Esty, Fleisher, Ormiston

NAYS: Piersimoni, Masler

ABSTAIN: None

ABSENT: Stewart

**REINS OF HOPE, INC.**

**HORSE RIDING ARENA**

**CONCEPT *SITE PLAN***

**TAX *PARCEL* #66.02-2-31.171**

Fleisher described and reviewed the proposed resolution for this *Site Plan Application*. Coons presented an aerial photo of the existing outdoor arena on the site. Fleisher commented that the *parcel* to the east is in the Business Neighborhood 2 *district*; therefore, a 40-foot *buffer/barrier setback* requirement.

Fleisher invited Sarah Kaiser, President to the Reins of Hope, Inc. to present the *application*. He asked Ms. Kaiser to explain the size requirement for the proposed arena.

Ms. Kaiser explained that the 160-foot arena was requested because of the following:

- The arena is designed for people with special needs,
- The horse and rider need more room to change positions i.e.: walking the horse to a trot then back to a walk,
- The horse and rider need more room to prevent the need for the horse and rider from making quick turns,
- The horse needs to be cantered by an experienced rider to maintain the horse's physical shape,
- Because special needs require several changes in equipment a close tack room is essential,
- Special disabilities require a close mounting area and proximity to restrooms

Fleisher noted that a gas transmission line is located to the north of the *site plan*. There being no further questions or comments, he asked for a resolution.

**RESOLUTION P79-2004**  
**REINS OF HOPE, INC.**  
**HORSE RIDING ARENA**  
**CONCEPT *SITE PLAN***  
**TAX PARCEL #66.02-2-31.171**

Resolution by: Ormiston

Seconded by: Piersimoni

WHEREAS this Board has received an *application* from Reins of Hope, Inc., for *site plan* approval for a two phase *parcel development* for a horse-riding arena on tax parcel #66.02-2-31.171;

AND WHEREAS the *property* is located at 133 Hibbard Road in the Rural (RU) *district*;

AND WHEREAS the *property* is owned by Carolyn and Jerry Welliver;

AND WHEREAS the *applicant* has constructed an open-air horse riding arena and proposes to construct a 72' x 160' pole *structure* to enclose the arena;

AND WHEREAS the *applicant* intends to accommodate the North America Riding for Handicapped Association (NARHA) for therapeutic riding twice weekly;

AND WHEREAS the *Bulk* and *Density* Control Schedule requires a 30 feet side *setback* for general or business *use*;

AND WHEREAS the proposed *structure* will extend into the side *setback* by 15 feet and an Area Variance will be required;

AND WHEREAS the *applicant* has submitted a schedule for the therapeutic riding programs;

AND WHEREAS the adjacent *property owners* have been notified pursuant to the Rules of the Planning Board;

THEREFORE BE IT RESOLVED this Board accepts the documents presented as a concept plan;

AND FURTHER RESOLVED this Board finds this *application* does not contain sufficient information to complete an environmental review and the *applicant shall* submit a detailed *site plan* showing:

- The *building* location, dimensions and *setbacks*,

- The location and dimensions of *parking* spaces,
- The location of the gas transmission line,

AND FURTHER RESOLVED that the *applicant shall* submit an *application* to the Zoning Board of Appeals for an area variance to relieve *setback* requirements on the east side of the *property*;

AND FURTHER RESOLVED that this Board makes the following comments on the facts of this case in relation to the criteria for review of an area variance *application* as set forth in the *Town Municipal Code* Section 17.60.050:

1. Can benefit be achieved by other means feasible to the *applicant*?  
No
2. Will there be an undesirable change in the neighborhood character or to nearby properties?  
No
3. Is the request substantial?  
Yes
4. Will the request have adverse physical or environmental effects?  
No
5. Is the alleged difficulty self-created?  
Yes

In summary this Board believes that the granting of the requested area variances will be substantially consistent with the planning objectives of the Town Comprehensive Plan based on comments on the criteria for review as stated above

AND FURTHER RESOLVED that this Board recommends favorable approval of the variance by the ZBA.

AND FURTHER RESOLVED that this *application* is tabled pending the findings of the Zoning Board of Appeals (ZBA) and further document submission by the *applicant* as required above.

CARRIED: AYES: Piersimoni, Masler, Ormiston, Fleisher, Esty, Younge

NAYS: None

ABSTAIN: None

ABSENT: Stewart

#### **RESOLUTION P80 -2004**

#### **ALTERNATE PLANNING BOARD MEMBER CONCEPT**

Resolution By: Ormiston

Seconded By: Fleisher

WHEREAS New York State Town Law 271 (15a) permits the *Town Board* to establish the position of an alternate Planning Board member for the purpose of substituting for a member in the event such member is unable to participate because of a conflict of interest, illness or other absence,

AND WHEREAS the probability that an *application may* be at a critical timeframe that could evolve into a default approval because of a lack of quorum of the part of Planning Board.

THEREFORE BE IT RESOLVED that the Planning Board recommends that the *Town Board*, with the advice of the Attorney for the *Town* create the position of an alternate member;

CARRIED: AYES: Younge, Esty, Fleisher, Ormiston, Masler, Piersimoni  
NAYS: None  
ABSTAIN: None  
ABSENT: Stewart

**COMMENTS:**

- Ormiston requested that the Planning Board review the 2005 Budget.
- Ormiston feels there should be some provisions for newer Planning Board members to attend the State Planning Board Conference. A discussion determined that not all Planning Board members had been notified of the Conference.
- Ormiston requested that the Planning Board rate be increased to \$25.00 per meeting. Fleisher commented that he would leave the Chair's rate as is. Fleisher further commented that this Planning Board deals with a large variety of complex issue.
- Piersimoni compared Dandy Mini Mart traffic impacts with the proposed Lums/Dunkin Donut *Mall Application*
- Esty commented that he is concerned with the continuous *development* on Chambers Road. He does not feel that *road* has not been planned properly to handle an increase in traffic. Fleisher asked Coons, what is the potential for more *development* in that area. Coons replied that Colonial Drive has a *lot* of potential for *development*. Coons informed the Board that the LaBerge Group has highlighted that area of concern in their plans to update the Town's Comprehensive Plan. The *Town* has asked LaBerge to provide Traffic Study Standards to establish that when a business goes over a certain level, the business would be ultimately responsible to remedy the problem.
- Ormiston commented that he would like clarification that the Verizon *Application* was for the monopoly only. He feels that a permit should be required.
- Ormiston commented as to whether a schedule is in place for the update to the Town Municipal Code.
- Esty commented as to what is an allowable width of a new *road*. Fleisher commented that he *may* want to discuss this with Larry Wagner, Commissioner of Public Works.

Meeting adjourned at 9:25 P.M.

Respectfully Submitted

Nancy Van Maarseveeen  
Planning Board Secretary

**TOWN OF BIG FLATS PLANNING BOARD  
MINUTES OF SEPTEMBER 14, 2004**

6:30 P.M.  
REGULAR MEETING  
Community Center Room "D"

Present:

Chair - Mark Fleisher  
Angela Piersimoni  
Carl Masler  
Scott Esty  
Bill Stewart  
James Ormiston  
Lee Younge

Guests: James Gensel, Sandra Brooks, Lori Bowman, Sam Foster

Staff: Chuck Coons

**AGENDA**

The Board agreed to the Agenda as presented.

**MINUTES**

Fleisher asked if there were any corrections before accepting and approving the minutes of August 24, 2004. There being no corrections, Esty made a motion to accept and approve the minutes of August 24, 2004, seconded by Masler. Stewart abstained, Fleisher, Piersimoni, Masler, Esty, Ormiston and Younge were in favor, motion carried.

**REYNOLDS SUBDIVISION PRELIMINARY AND FINAL PLAT  
TAX PARCEL #47.00-1-33.1**

Fleisher reviewed the proposed preliminary and final resolution with the Board. There being no questions or comments, the Board proceeded with the Public Hearing.

**PUBLIC HEARING**

**6:33 P.M. REYNOLDS SUBDIVISION PRELIMINARY PLAT  
TAX PARCEL #47.00-1-33.1**

Chair Fleisher called the Public Hearing to order at 6:33 P.M. He noted that the Public Hearing was duly published in the Elmira Star-Gazette and went on to describe the location, features, and purpose of this proposed *subdivision*. He further stated that the purpose of the Public Hearing was to receive public comments on the *application* that is the subject of this Public Hearing. Fleisher asked for comments from those present who wished to speak:

IN FAVOR: None  
AGAINST: None  
COMMENTS: None

Fleisher closed the Public Hearing at 6:34 P.M. and reconvened the business portion of the regular meeting.

**RESOLUTION P81-2004**  
**REYNOLDS SUBDIVISION PRELIMINARY AND FINAL PLAT**  
**TAX PARCEL #47.00-1-33.1**

Resolution by: Ormiston  
Seconded by: Younge

WHEREAS the Planning Board has received an *application* from Steven Reynolds, *owner* of tax *parcel* #47.00-1-33.1, for the *subdivision* approval of a 43.665-acre *parcel*, as shown on a survey map by Weiler Associates, revised July 20, 2004, to create the following two *lots*:

- *Parcel* D-1 being 5.147-acre *lot* containing farm *buildings*, and
- *Parcel* D-2 being 38.518-acres *lot* containing vacant land;

AND WHEREAS the proposed *subdivision* is located at Chambers Road, adjacent to Upson Road in the Rural (RU) *district*;

AND WHEREAS the *Bulk* and *Density* Control Schedule requires three acres for a residential *lot* without public water or sewer;

AND WHEREAS the adjoining *property owners* have been notified of this *application* pursuant to the rules of the Planning Board;

AND WHEREAS the Chemung County Planning Department, at its July 15, 2004 meeting, returned “to the *Town* for local determination stating no interjurisdictional or intercommunity impacts.”;

AND WHEREAS the Chemung County Health Department, in a letter dated August 13, 2004, stated “no objection to the Town of Big Flats Planning Board being Lead Agency ....”

THEREFORE BE IT RESOLVED that this Board approves the preliminary *subdivision* plat and accepts the preliminary plat as a Final *subdivision* Plat;

AND FURTHER RESOLVED that the Final *subdivision* Plat is approved subject to the following conditions:

- The *applicant* shall submit a current *survey* map to the Planning Board secretary showing the *subdivision* of subject two *parcels* in the form of one Mylar and three original copies.
- The *applicant* shall file the approved *subdivision* plat with the Chemung County Clerk within sixty-two (62) days from the date of endorsement by the Planning Board Chair.
- Failure of the *applicant* to file the final plat with the County Clerk within sixty-two (62) days shall cause such final approval to expire pursuant to Chapter 16.08.040(J) of the Town Municipal Code.

CARRIED: AYES: Piersimoni, Masler, Fleisher, Esty, Stewart, Ormiston, Younge

NAYS: None

ABSTAIN: None

ABSENT: None

**VERIZON WIRELESS SITE PLAN**  
**PRELIMINARY PLAN**  
**TAX PARCEL #66.04-3-20**

Fleisher reviewed the proposed resolution that if adopted would accept the documentation submitted in this *application* as a preliminary plan. While reviewing the Environmental Assessment Form Part 2, Ormiston commented that he is uncomfortable with the wording of the proposed resolution.

- He suggested that the *antenna*, monopole, wireless telecommunication facility and *antenna array* be better defined.
- He questioned the approval of the original *antenna* and feels the original *antenna* would define the proposed monopole and *antenna array* as an *accessory use*. Fleisher commented that the original *antenna* was probably placed there prior to the *Use Requirement Table*.

Lori Bowman, representing Nixon Peabody/Verizon Wireless, replied to questions concerning future co-locators adding *antennas* on the site. It is her understanding that any co-locators would have to submit a separate *Site Plan Application* and that this current *application* only deals with the *antenna array* and a 4' satellite disk presently located on the water tank that would be placed on the proposed monopole.

The Board agreed that the word array (meaning more than one boom) be added to the proposed resolution. Fleisher stated that conditions would be placed in the final resolution.

**RESOLUTION P82-2004**  
**VERIZON WIRELESS SITE PLAN**  
**PRELIMINARY PLAN**  
**TAX PARCEL #66.04-3-20**

Resolution by: Younge  
Seconded by: Stewart

WHEREAS this Board has received an *application* from Nixon Peabody, LLP, Attorneys at Law, on behalf of NYNEX Mobile of New York, L.P. d/b/a Verizon Wireless for the construction of a monopole tower and wireless telecommunication facility which entails an *antenna array* on tax parcel #66.04-3-20;

AND WHEREAS the *property* is located at 271 County Route 64, namely Corning Incorporated, in the Industrial (I) *district*;

AND WHEREAS currently the *applicant* has an *antenna array* located on a water tank on the subject site;

AND WHEREAS the *applicant* proposes to remove the existing *antenna array* from the water tank, and construct a 140 foot high monopole tower and a 12 foot by 30 foot equipment shelter as shown on a *site plan* by Costich Engineering, Job number 3373 dated 1/29/04, revised 4/12/04, revised 6/7/04 and revised 9/8/04;

AND WHEREAS the construction of the foundation of the tower could accommodate a 55 foot extension, for a total of 195 feet;

AND WHEREAS a monopole is a tower as defined in Chapter 17.04.050;

AND WHEREAS Chapter 17.12.010, Use Requirement Table, does not permit a tower in the Industrial *district*, in Chapter 17.36.180(D)(4) the maximum permitted height of a tower is 120 feet;

AND WHEREAS the *applicant* was notified by the Director of Building Inspection and Code Enforcement that the request does not comply with the Town Municipal Code, and the *applicant*, in letter dated July 7, 2004 has requested a *Use Variance* and an *Area Variance* from the Zoning Board of Appeals (ZBA);

AND WHEREAS the *applicant* has submitted an engineering analysis received July 29, 2004, documenting the *applicant's* need to locate the *antenna array* on said site to maintain network coverage needs;

AND WHEREAS this Board met with Tom Reed, Attorney for the Town, to discuss the legal aspects of variances for public utilities, and the conclusion that cellular phone providers are public utilities as determined by the New York Court of Appeals in *Cellular Telephone Co. v. Rosenberg (1993)*;

AND WHEREAS the *applicant* has met with this Board to present the reasons to locate the tower and wireless telecommunication facilities at this site, and the reasons are as follows:

- the *applicant* currently has an *antenna array* at this location on the water tower, and their system relies on this *antenna array* for required *coverage*,
- there currently is a gap in service to the west, and a tower 20 feet higher than permitted will close that gap,
- locations in the RU *district* do not provide *coverage* required due to difficulties locating on *steep slopes* or the fact that the tower would exceed the allowable height established by the FAA;

AND WHEREAS this Board referred this *application* to the ZBA for consideration of a Use Variance to permit a tower in the Industrial (I) District;

AND WHEREAS this Board referred this *application* to the ZBA for consideration of an Area Variance for the increased height of the proposed tower;

AND WHEREAS the ZBA, at its September 9, 2004 meeting, made the following findings:

- Use Variance – pursuant to Resolution ZB9-04, the Board unanimously approved the Use Variance to permit the proposed tower in the Industrial district,
- Area Variance – pursuant to Resolution ZB10-04 the Board unanimously approved the Area Variance to permit the tower to be 140 feet in height.

THEREFORE BE IT RESOLVED that this Board accepts the documentation submitted in this *application* as a Preliminary Plan;

AND FURTHER RESOLVED that, for environmental review this Board finds action on this *application* to be an Unlisted Action in accordance with 6NYCRR 617.3 and that this Board is the Lead Agency completing an uncoordinated review with information notice of this *application* given to the Chemung County Department of Public Works, Chemung County Health Department and the Chemung County Planning Board;

AND FURTHER RESOLVED that based on the review of the Environmental Assessment Form (EAF) Part 2 of SEQRA completed by the *applicant* and this Board, this Board finds no significant potential adverse environmental impact and therefore issues a Negative Declaration;

AND FURTHER RESOLVED that this *application* be referred to the Chemung County Planning Board pursuant to General Municipal Law 239-m as this *property* is located within 500 feet of County Route 64;

CARRIED: AYES: Younge, Stewart, Esty, Fleisher, Ormiston, Esty, Piersimoni

NAYS: None

ABSTAIN: None

ABSENT: None

**LUM'S/DUNKIN' DONUTS  
PRELIMINARY SITE PLAN  
TAX PARCEL #57.04-1-2**

The Board reviewed the Short Environmental Assessment Form and discussed the traffic impact concerns. Ormiston expressed his opinion that the traffic impact should be defined as critical. Coons replied that if the traffic impact were defined as critical, the Board would have to determine if the *site*



*plan* has significant adverse impact and if so can the impact be mitigated.

Fleisher explained the following that could mitigate the traffic impact:

- That the *applicant* stated that the majority of the traffic from this application would be at off-peak hours from neighboring businesses,
- That Coons confirmed that the stackable traffic flow for the *drive through* conforms to the code,
- That a letter from the attorney representing Lum's Restaurant supported the new *applicant's* request for variances.

The majority of the Board determined that the traffic impact is small to moderate and that the *applicant* has mitigated it. The Board has requested a written *easement* agreement from the adjacent *owner* to the south.

At Ormiston's request, the letter dated August 12, 2004 from the Department of Transportation (DOT) was read which stated that if any impacts are identified to impact their *right-of-way* or the State transportation network DOT's involvement status would change.

Esty commented that there could be a problem with the northbound traffic turning left across the southbound traffic lane into the site, thus creating multiple places in which traffic could backup.

Rob Prosser, PE, President of Lakeside Engineering, PC on behalf of the *applicant*, presented the Traffic Study that concluded that the four intersections studied would produced a minimal increase in traffic volumes based on similar Dunkin' Donuts sites. The traffic volume generated at peak hours (7 – 9 a.m.) is estimated at 80 customers per peak hour. Of those customers, only twelve would not be pass-by motorists and the level of service would not be affected at the four intersections.

There being no further questions or comments, Fleisher asked for a resolution.

**RESOLUTION P83-2004  
LUM'S/DUNKIN' DONUTS  
PRELIMINARY SITE PLAN  
TAX PARCEL #57.04-1-2**

Resolution by: Stewart  
Seconded by: Younge

WHEREAS this Planning Board has received an *application* for a *site plan* review and approval from Andy Patel, *owner* of Big Flats Donuts, Inc., for construction of a 6800 square foot *building* on tax parcel #57.04-1-2 as shown on drawings by Lakeside Engineering, dated 6/3/04, revised 7/16/04, revised August 23, 2004;

AND WHEREAS the *property* is 0.86 acres located at 3317 Chambers Road in the Business Regional (BR) *district*;

AND WHEREAS the *applicant* is proposing to demolish the existing Lum's Restaurant and construct a 6,800 square foot *building* to include a Dunkin' Donuts *restaurant* and the balance of the floor area to be used for two additional *retail uses*;

AND WHEREAS the proposed *development* is a *mall development* as this contains three or more businesses, pursuant to Chapter 17.04.010 of the Town Municipal Code;

AND WHEREAS the proposed *building* will have a *drive-through use* and said *use* complies with the applicable standards as set forth in Chapter 17.36.220 of the Town Municipal Code;

AND WHEREAS the revised plan proposes 30 *parking* spaces including two handicap *parking* spaces, complying with Chapter 17.48;

AND WHEREAS the *applicant* proposes to dispose of on-site storm water into drywells;

AND WHEREAS the *applicant* proposes to connect to the existing sanitary sewer lateral;

AND WHEREAS the *applicant* proposes new water, electric and gas services to supply the *building*;

AND WHEREAS the *Bulk and Density Control Schedule* permits 70% *lot coverage* and the *applicant* proposes 78% *lot coverage*, and the existing *lot coverage* is in excess of 80%, and an Area Variance is required;

AND WHEREAS Chapter 17.36.200 of the Town Municipal Code (*Buffer and Barrier Requirements*) requires a fifteen (15) foot side *setback* to be provided with landscaping, and *shall* not contain any *structures, drives or parking spaces*;

AND WHEREAS the *applicant* is proposing a five foot wide tree-lined *buffer* on the south side of the *parcel*, and no *buffer* is proposed on the north side of the *parcel*; however, there is an existing 50 foot wide non-buildable *parcel* containing underground utilities adjacent to the north *property line*;

AND WHEREAS an Area Variance is required for the reduced *buffer yards*;

AND WHEREAS the *applicant* proposes the following signage:

- An 18 foot high freestanding *directory sign* identifying three *tenants*,
- Façade signage for each *tenant* located on the east elevation facing Chambers Road,
- *Directional sign* identifying the *drive-through* located at the *drive* entrance.

AND WHEREAS the Zoning Board of Appeals at its September 9, 2004 meeting made the following findings:

- South Area Variance – pursuant to Resolution ZB6-04 the Board unanimously approved the Area Variance on the southern boundary line to permit the reduced *buffer yard setback* with plantings as proposed,
- North Area Variance – pursuant to Resolution ZB7-04 the Board unanimously approved the Area Variance on the northern boundary line to permit the reduced *buffer yard setback* conditional upon the *applicant* providing a physical *barrier* to prevent access to the adjacent *parcel*;
- *Lot coverage* Area Variance – pursuant to Resolution ZB8-04 the Board approved the Area Variance to permit 78% *lot coverage*.

AND WHEREAS the *applicant* has submitted a Traffic Impact Study, dated September 2004 stating no changes in the Levels of Service (LOS) for the four intersections required to be studied pursuant to Resolution P72-2004, dated August 3, 2004;

THEREFORE BE IT RESOLVED to accept the documents presented in this *application* as a Preliminary Plan;

AND FURTHER RESOLVED that this Board finds that the traffic generated by the proposed Dunkin' Donuts *use* will be off-peak hours from the adjacent *retail uses* utilizing this *road* network, and therefore will have minimal impact on the existing traffic conditions;

AND FURTHER RESOLVED that, for environmental review this Board finds action on this *application* to be an Unlisted Action in accordance with 6NYCRR 617.3 and that this Board is the Lead Agency completing an uncoordinated review with information notice of this *application* given to the Chemung County Department of Public Works, Chemung County Sewer District and the Chemung County Planning Board;

AND FURTHER RESOLVED that based on the review of the Short Environmental Assessment Form of SEQRA completed by the *applicant* and this Board, this Board finds no significant potential adverse environmental impact and therefore issues a Negative Declaration;

AND FURTHER RESOLVED that this *application* be referred to the Chemung County Planning Board pursuant to General Municipal Law 239-m as this *property* is located within 500 feet of County Route 35.

CARRIED: AYES: Younge, Stewart, Esty, Fleisher

NAYS: Ormiston, Masler, Piersimoni

ABSTAIN: None

ABSENT: None

**GRIFFITH ENERGY INC.  
CONCEPT SITE PLAN  
TAX PARCEL #76.01-1-2.2**

The *Site Plan* was reviewed and the following comments discussed. Younge questioned how many fuel tanks now exist on the site. Sam Foster, representing Griffith Energy responded that seven fuel tanks presently exist on the site. These tanks are regulated, and are yearly inspected by the Department of Environmental Conservation. However, the proposed propane tanks would be regulated and inspected by the New York State Department of Transportation.

Coons commented that he received a letter, dated September 14, 2004 from Griffith Energy initiating the process of merging their two *parcels*. The reason being that the proposed *use* would require the *applicant* to apply for dual approval from the Town Board and the Planning Board if the *parcels* are not merged. Coons explained that the Board could identify that the *applicant* would be merging the properties, thus avoiding a formal *re-subdivision* process.

The Board tabled the *application* for receipt of comments from the Involved and Interested Agencies. Ormiston added that he would like to review the topography map because of the close proximity of the Chemung River to the site. Fleisher commented that propane gas does not seep into the ground but dissipates into the air and that the New York Department of Environmental Conservation (DEC) in addition to several other Involved and Interested Agencies would receive the *Site Plan Application* for review and comment.

**RESOLUTION P84-2004  
GRIFFITH ENERGY INC.  
CONCEPT SITE PLAN  
TAX PARCEL #76.01-1-2.2**

Resolution by: Esty

Seconded by: Masler

WHEREAS this Planning Board has received an *application* for *site plan* approval from Griffith Energy Inc., for propane storage and distribution plant located on tax *parcel* #76.01-1-2.2, as shown on a map by Marcor Remediation, Inc., dated September 2004;

AND WHEREAS the *property* is located on New York State Route 352 immediately west of the existing Griffith Oil tank farm in the Industrial (I) *district*;

AND WHEREAS the *applicant* proposes to install two 30,000 gallon propane storage tanks for commercial distribution of propane gas;

AND WHEREAS the proposed site is adjacent to the Chemung River;

AND WHEREAS pursuant to Chapter 17.12.010, a Fuel Storage Terminal is a permitted *use* upon *site plan* approval;

AND WHEREAS the *applicant* has submitted a letter, dated September 14, 2004 stating their intent to merge this subject *parcel* with the adjoining *parcel* currently containing the Griffith Oil tank farm;

AND WHEREAS the adjoining *property owners* have been notified of this *application* pursuant to the Rules of the Planning Board;

THEREFORE BE IT RESOLVED to accept the documentation in this *application* as a Concept Plan;

AND FURTHER RESOLVED for environmental purposes this Board finds this action to be an Unlisted Action in accordance with 6NYCRR Part 617.5 and this Board intends to be Lead Agency for this action completing a Coordinated Review with the following Involved and Interested Agencies:

Involved Agencies:

New York State Department of Transportation  
New York State Department of Environmental Conservation (DEC)  
Town of Corning  
Chemung County Health Department  
Chemung County Planning Board

Interested Agencies:

Big Flats Fire Department

AND FURTHER RESOLVED that the *applicant shall* submit a storm water management plan consistent with Phase II storm water management requirements;

AND FURTHER RESOLVED that this *application* is tabled pending receipt of comments from the Involved and Interested Agencies, or the expiration of the mandatory 30-day waiting period pursuant to SEQRA.

CARRIED: AYES: Younge, Stewart, Esty, Fleisher, Ormiston, Masler, Piersimoni

NAYS: None

ABSTAIN: None

ABSENT: None

**ARNOT REALTY/  
CHAMBERS ROAD PLAZA PHASE II  
THE SHOPS AT CHAMBERS FINAL *SITE PLAN*  
TAX *PARCEL* #57.02-2-57**

In view of the late submission of the final revision, the Board asked Chuck Coons to explain the changes. He explained that the revision identified the location of the freestanding *sign* and that the *road* in the rear of the *retail building* was raised four feet.

Fleisher stated that letters from the Town and Country Fire Department and the Chemung County Department of Public Works had been received. Coons added that he received a phone call from Matt Gillette from the Department of Environmental Conservation just prior to the meeting. Mr. Gillette has requested that the water flow in the detention basin be rerouted. The Board modified the resolution to reflect Mr. Gillette's concerns.

Fleisher commented that he had spoken with Carl Carson, Planning and Construction agent for Arnot Realty, concerning the salt barn being a potential hazard to Sing Sing Creek. Carson stated that moving the salt barn is under consideration if the Town can find a place to move it and finance the \$40,000 move.

Fleisher commented that a revised Traffic Study has been received September 14, 2004 pursuant to the conditions of Phase I approval. The Traffic Study is consistent with the initial assumptions of Phase I *development*. Gensel commented that the 2002 Traffic Study was used because it included projects approved but not built, such as Colonial Commons and Arnot East Yard.

There being no further comments, Fleisher asked for a resolution.

**RESOLUTION P85-2004**  
**ARNOT REALTY/**  
**CHAMBERS ROAD PLAZA PHASE II**  
**THE SHOPS AT CHAMBERS FINAL *SITE PLAN***  
**TAX PARCEL #57.02-2-57**

Resolution by: Piersimoni

Seconded by: Younge

WHEREAS this Board has received an *application* from Arnot Realty for *site plan* approval of Phase II of the *development* of tax parcel #57.02-2-57 as shown on drawings by Fagan Engineers dated August 10, 2004, revised September 3, 2004, revised September 14, 2004;

AND WHEREAS the *property* is located at the south west corner of the intersection of Colonial Drive and Chambers Road in the Business Regional (BR) *district*;

AND WHEREAS the *parcel development* is immediately adjacent to Sing Sing Creek;

AND WHEREAS the *applicant* proposes to construct a 5750 square foot standard free-standing *restaurant* and a 50,000 square foot *building* for *retail use*;

AND WHEREAS in Resolution P52-2002, dated September 10, 2002, this Board approved the *development* of the site and construction of Phase I, which included the Talbot's *retail use*;

AND WHEREAS Bergmann Associates, as *Consultant* for the Town, reviewed the traffic and drainage studies that were based on the full *development* of the *parcel*, including Phase II construction;

AND WHEREAS the final approval of the original *site plan* required the following:

- A new traffic study be conducted with the *development* of Phase II,
- Reconstruction of the ingress/egress onto Chambers Road,

AND WHEREAS the proposed *site plan* shows the following:

- A turning lane constructed on Chambers Road into the *parcel* for southbound traffic,
- The relocation of the detention basin to the north side of the *parcel*,
- The installation of steep banks, and rip-rap along the rear of the proposed *retail use* and along Sing Sing Creek,
- Installation of catch basins discharging storm water into the detention basin,
- Ingress/egress onto Schweizer Road,
- Connection of water and sewer laterals at the south side of the *property* near the Talbot's store;

AND WHEREAS the Director of Building Inspections and Code Enforcement has expressed concern for firefighter safety at the rear of the *retail building* (west side) due to the *steep slope*;

AND WHEREAS in a letter dated September 7, 2004, the Town and Country Fire Department stated that it “has the capacity to provide fire protection services at this location and finds no element of the present design that would hinder providing such fire protection.”;

AND WHEREAS the Director of Building Inspection and Code Enforcement spoke with Matt Gillette of New York State Department of Environmental Conservation (DEC), and Mr. Gillette expressed concern regarding the design of the detention basin and the need to have a longer flow path for the water prior to discharge into Sing Sing Creek;

AND WHEREAS in a letter dated September 13, 2004 from Tim Von Neida, Commissioner of Public Works for Chemung County, stating his acceptance of the proposed project;

AND WHEREAS the *applicant* has submitted a new Traffic Study dated September 10, 2004 pursuant to the conditions of Phase I approval in Resolution P52-2004;

THEREFORE BE IT RESOLVED that the Preliminary Plan is approved and accepted as the Final Site Plan;

AND FURTHER RESOLVED that this Board finds that the revised Traffic Study is consistent with the initial assumptions for Phase I *development*;

AND FURTHER RESOLVED that the Final Site Plan is approved subject to the following conditions:

1. CONSTRUCTION TIMETABLE: A construction timetable for the proposed construction as shown in the *final plan* will be written by the *developer* and submitted to the CEO prior to the commencement of its construction. This timetable will include scheduled completion dates for this Improvement and *shall* be submitted to the CEO prior to the issuance of any *building permit* for the Improvement.
2. MAINTENANCE RESPONSIBILITIES: The *developer* will retain maintenance responsibility in perpetuity for the on-site Storm Water Management System, the *drives*, and *internal drives* in such functional condition as intended by the design of the *final plan*.
3. EROSION CONTROL: *temporary* erosion control measures will be taken during the course of any construction. Where hay bales are used as *temporary* erosion control, fabric will be placed along the uphill side. These measures will be monitored by the CEO and corrective action will be taken, when necessary, by the *developer* and his contractors immediately to prevent any erosion.
4. AS-BUILT DRAWINGS: The *developer shall* provide the Town with as-built drawings, certified by a *design engineer*, submitted to the CEO for review and approval, that include as-built construction drawings of all required *improvements*. No *Certificate of Occupancy shall* be issued until the CEO has received and approved the as-built drawings for the construction approved in this Resolution.
5. CONSTRUCTION DEBRIS CONTROL: No restricted Construction & Demolition (C&D) material, as defined by NYSDEC, will be disposed of at the site. All such material will be disposed of at the Chemung County landfill or any other appropriate site.
6. NOISE AND DUST DURING CONSTRUCTION: Construction activities that by their nature create excessive noise, such as, but not exclusive of, the operation of heavy earthmoving equipment, grading, and pouring concrete, *shall* occur between the hours of 6:30 a.m. and 8:00 p.m., Monday through Saturday. All construction equipment will be equipped with mufflers and utilized in such a manner as to reduce noise to the maximum extent possible and to maintain air

quality. During the course of construction, excessive dust will be controlled by water spraying or other method approved by the CEO. The Public Roadway, Chambers Road, will be kept free of debris and broom cleaned on a daily basis.

7. **MODIFICATION:** Modification or deviation from the approved *final plan* is permitted only with the prior approval of the Planning Board, except that the CEO *may* approve, with prior notification to the Chairman of the Planning Board, or member of the Planning Board with *temporary* responsibility of the Chairman, a modification of or deviation that produces no significant change in performance as indicated on/in the approved design of the *final plan* and in the conditions of approval set forth in this Resolution.
8. **LIGHT SPILLAGE:** All outside lighting including exterior lighting on the *building shall* be shielded to prevent light spillage off the site, either horizontally or vertically, and be of a type or design that will prevent excessive glare to traffic, pedestrians, and air traffic.
9. **SIGNS:** A free-standing *sign* is approved as proposed on this *site plan*. Additional façade signage will be approved pursuant to Chapter 17.52 of the Town Municipal Code. Any deviation of the proposed signage will require to be reviewed under *site plan* amendment.
10. **DRIVE ENTRANCES:** The *drive* entrances as shown on the approved Preliminary Plan are the only *drive* entrances to this site.
11. **INSPECTIONS:** The construction of this project *shall* be subject to construction inspections of all *improvements*.
12. **PARKING:** Parking is restricted to the *parking lot* as shown on the final plan. No *parking* or display of equipment or goods for sale is permitted on the *drive* or *internal drives*.
13. **FAILURE TO COMPLY:** Failure to comply with these Conditions *shall* constitute a violation of Town Municipal Code.
14. The *applicant shall* submit a revised drawing to comply with comments from Matt Gillette from NYS DEC.

CARRIED: AYES: Piersimoni, Masler, Ormiston, Fleisher, Esty, Stewart, Younge

NAYS: None

ABSTAIN: None

ABSENT: None

#### COMMENTS:

- **Budget Status**

- **Raise for Board Members:** Coons commented that Fleisher has written a letter to the Town Board requesting that the \$20.00 per Board meeting pay be increased to \$30.00 with the exception of the Chair to remain the same. Fleisher added that the amount of complexity and the material the Board reviews in making decisions on projects not only affect the Town but also affects the *County*. He noted that the substantial increase in *building* fees and *application* fees should cover the increase. Coons stated that the

increase is under consideration.

- **Training** –Coons informed the Board that he was told that the budget has been cut concerning training money for Board members.
- Younge inquired as to the *parking* status concerning the **Farm Market Application** still pending before the Board. The consensus was that the *parking* has improved and that Mr. Giles will return to complete his *application* after the busy season in his particular business.
- Fleisher commented that James Bruner of **SJB Development, Inc.** is considering an *application* for a diner in the Spring of 2005.
- **Alternate Planning Member Status** – The secretary related that Town Board has set a Public Hearing for October 13, 2004 at 4:33 p.m. to hear comments regarding the proposed Local Law No. 5 of 2004 titled “Town of Big Flats Planning Board Law”.
- Fleisher referenced a letter from the Bergmann’s Associates concerning the **Chemung Transportation Committee**. Tanya Mooza Zwahlen will host the Big Flats’ Chemung Transportation Committee meeting on September 30, 2004 in the Big Flats Community Center, Conference Room D, from 6:30 p.m. to 9:00 p.m.
- Coons commented that the first **Steering Committee Meeting** for the Comprehensive Plan update would be Thursday September 23, 2004.
- Fleisher commented that the **Executive Committee meeting for November 11** would be rescheduled for the same day at 1:00 p.m.
- Coons commented that he would be **out of the office** from September 21 through September 27, 2004 for surgery.

Meeting adjourned at 8:30 P.M.

Respectfully Submitted

Nancy Van Maarseveen  
Planning Board Secretary



**TOWN OF BIG FLATS PLANNING BOARD  
MINUTES OF OCTOBER 5, 2004**

6:30 P.M.  
REGULAR MEETING  
Community Center  
Conference Room "A"

Present:

Chair - Mark Fleisher  
Carl Masler  
James Ormiston  
Lee Younge  
Angela Piersimoni

Absent: Bill Stewart  
Scott Esty

Present: Gary Becker, Jack Moore, Sandra Brooks, Lori Bowman, Rod Prosser

Staff: Chuck Coons

**AGENDA**

The Board agreed to the Agenda as presented.

**MINUTES**

Fleisher asked the Board for comments concerning the minutes of September 14, 2004. Ormiston made a motion to accept and approve the minutes, seconded by Younge. Masler, Stewart and Esty were absent. Fleisher, Ormiston, Younge and Piersimoni were in favor, motion carried.

**VERIZON WIRELESS  
PRELIMINARY AND FINAL SITE PLAN  
TAX PARCEL #66.04-3-20**

Fleisher reviewed the following concerns from Board member Ormiston submitted prior to the meeting:

1. That the *applicant* submits a copy of the Land Lease Agreement confirming that Verizon has *use of the property* owned by Corning Incorporated for the construction of the monopole and *accessory building*.
2. Ormiston requested confirmation from Federal Aviation Administration acknowledgment that a warning light be placed on top of the monopole. Fleisher replied that no warning light has been proposed because the monopole is not within the Runway Protection Zone (flight path). Bob Burgdorf, attorney for Nixon Peabody LLP on behalf of NYNEX Mobile of New York conveyed that they seek final local approval prior to contacting the Federal Aviation Administration for its approval,
3. Ormiston asked if the site could be posted with warning *signs*. Sandra Brooks, project engineer for Verizon, replied that the Federal Communication Commission requires a warning *sign*. She added that the entrance to the monopole would be through a Corning Inc. security gate, and that Verizon installs a 24-hour/7 day security system that notifies fire and police departments immediately if the system is activated. In response to Ormiston's concern as to

furnishing the Fire Department with a key to the security gate, Fleisher replied that the Fire Department would not be provided with a key because in the case of an emergency, the Fire Department would cut the locks.

In addition to written comments, Ormiston commented that he would like a condition in the final resolution to reflect that the *owner* of the monopole and *building structure*, is responsible for dismantling expenses if the facility becomes obsolete or is abandoned. Sandra Brooks then submitted a copy of the Land Lease Agreement between Corning Inc. and NYNEX Mobile of New York, LP that provides for the removal process if abandoned or obsolete. Younge asked what arrangements the *applicant* has made if new ownership acquires the Corning property. Brooks replied that the Land Lease Agreement goes with the new *owner*.

Coons asked that the *applicant* be allowed to present modified drawings to the Board. The following modified drawings were distributed for the Board's review: Zoning Partial Topographic Survey, the Zoning *Site Plan* & Notes and Zoning Details.

Fleisher asked for further questions or comments. There being none, he asked for a final resolution.

**RESOLUTION P86-2004  
VERIZON WIRELESS  
PRELIMINARY AND FINAL SITE PLAN  
TAX PARCEL #66.04-3-20**

Resolution by: Piersimoni  
Seconded by: Ormiston

WHEREAS this Board has received an *application* from Nixon Peabody, LLP, Attorneys at Law, on behalf of NYNEX Mobile of New York, L.P. d/b/a Verizon Wireless for the construction of a monopole tower and wireless telecommunication facility which entails an *antenna array* on tax *parcel* #66.04-3-20;

AND WHEREAS the *property* is located at 271 County Route 64, namely Corning Incorporated, in the Industrial (I) *district*;

AND WHEREAS currently the *applicant* has an *antenna array* located on a water tank on the subject site;

AND WHEREAS the *applicant* proposes to remove the existing *antenna array* from the water tank, and construct a 140 foot high monopole tower and a 12 foot by 30 foot equipment shelter as shown on a *site plan* by Costich Engineering, Job number 3373 dated 1/29/04, revised 4/12/04, revised 6/7/04 and revised 9/8/04;

AND WHEREAS the construction of the foundation of the tower could accommodate a 55 foot extension, for a total of 195 feet;

AND WHEREAS a monopole is a tower as defined in Chapter 17.04.050;

AND WHEREAS the ZBA, at its September 9, 2004 meeting, made the following findings:

- *Use Variance* – pursuant to Resolution ZB9-04, the Board unanimously approved the *Use Variance* to permit the proposed tower in the Industrial *district*,

- Area Variance – pursuant to Resolution ZB10-04 the Board unanimously approved the Area Variance to permit the tower to be 140 feet in height.

AND WHEREAS the *County* Planning Board at its September 16, 2004 meeting recommended approval;

AND WHEREAS a copy of the Land Lease Agreement between Verizon and Corning Incorporated has been submitted;

THEREFORE BE IT RESOLVED that the Preliminary Plan is approved and accepted as the Final *Site Plan*;

AND FURTHER RESOLVED that the Final *Site Plan* is approved subject to following conditions;

- The security *fence* shall be a minimum of 12 feet in height pursuant to Chapter 17.36.180(D)15,
- That the *applicant*, or any subsequent *owner*, shall submit surety in a form and manner acceptable to the Attorney for the *Town* in a value of at least twenty thousand dollars (\$20,000.) to cover the cost of removal of the monopole and *building structure* in the event the tower becomes abandoned or obsolete,
- Any modification of this *site plan* or any co-location on the tower shall be reviewed under *site plan* amendment.
- Prior to issuance of a *Building Permit*, the *applicant* shall submit approval from the FAA.

AND FURTHER RESOLVED that pursuant to Chapter 17.32.150 of the Town Municipal Code approval of this *site plan* shall be valid for a period of one year from the date of the approved final plan.

CARRIED: AYES: Piersimoni, Ormiston, Fleisher, Young

NAYS: None

ABSTAIN: None

ABSENT: Esty, Masler, Stewart

**LUM'S/DUNKIN' DONUTS  
PRELIMINARY AND FINAL *SITE PLAN*  
TAX PARCEL #57.04-1-2**

Fleisher reviewed the *Site Plan Application* that included three variances approved by the Zoning Board of Appeals to permit reduced *setbacks* of the north and south *property* lines and a variance to permit *lot coverage* of 78%.

Fleisher read the letter received from Elizabeth R. Bennett, *owner* of the adjoining site, that granted permission to the *applicant* to continue the *use* of the ingress and egress on her *property*. He reviewed the Chemung *County* Planning Board's approval of the *site plan* subject to the Department of Public Work's review and approval and added conditions to the proposed resolution in regard to these concerns.

Carl Masler arrived at 6:40 p.m.

Rod Prosser, President of Lakeside Engineering, PC, was invited to answer questions concerning the latest revisions. Young asked where the *applicant* proposes to place snow removal on the site. Prosser explained that snow would be placed on the grassy area shown on the drawing however, if snow becomes too much of a problem for that area, it would be carried off site.

Fleisher reviewed Condition #16 for the *applicant* concerning that any change in proposed *use* shall come before the Board for a *site plan* amendment. Coons added that the façade signage on the *building* has been approved.

Fleisher updated Masler concerning the voting procedures because of the absence of two Board members. He explained that at least four votes are needed to reach a decision, either in favor or not in favor.

Prosser asked Fleisher what he meant by a non-decision. Fleisher explained that without a majority vote for approval, the Board would entertain motions to table the application.

Jack Moore, attorney for the *owner* of Lums, reminded the Board that the Zoning Board of Appeals granted the variance of the *lot coverage*. Fleisher added that the Chemung *County* Commissioner of Public Works stated that his traffic concerns have been met and that the balance of the *site plan* is satisfactory.

Piersimoni asked if an engineering *consultant* for the *Town* was ever considered in reference to the Chemung *County* Planning Board motions in which Randy Olthof states "...the traffic study produced for the petitioner by Lakeside Engineering posed no change in the level of service. I do not know if this has been reviewed by the *Town's* engineering *consultants*." Her interpretation of the Chemung *County* Planning Board motions is that they have concerns about the *site plan*. Rod Prosser, assured the Board that traffic figures are correct. Younge commented that this site is tight, but considering what could go on that site, this seems a lesser impact on the existing traffic problem. Jack Moore reminded the Board that the Chemung *County* Commissioner of Public Works is very much a key factor in evaluating the traffic concerns. Ron Panosian, Chemung *County* Planning Board member and Realtor to the *applicant*, said he did not believe the Chemung *County* Planning Board had major concerns.

In reference to the *lot coverage* and traffic, Masler commented that as long as the Board is speaking hypothetically, he is concerned that the two additional *retail* spaces could create large volumes of traffic. Gary Becker, Pyramid Broker for the *applicant*, said that the remaining 4,300 square feet of the site cannot be a food *use*.

Ormiston asked clarification as to the entrances and exits. Rod Prosser replied that both entrances perform also as exits.

Moore again reminded the Board that this Board approved the Preliminary *Site Plan* and that the basic issues were *lot coverage*, which has been addressed by the Zoning Board of Appeals, and traffic which has been addressed by the Chemung *County* Commissioner of Public Works.

There being no further questions or comments, Fleisher asked for a final resolution.

**RESOLUTION P87-2004  
LUM'S/DUNKIN' DONUTS  
PRELIMINARY AND FINAL *SITE PLAN*  
TAX PARCEL #57.04-1-2**

Resolution by: Younge  
Seconded by: Ormiston

WHEREAS this Planning Board has received an *application* for a *site plan* review and approval from Andy Patel, *owner* of Big Flats Donuts, Inc., for construction of a 6800 square foot *building* on tax *parcel* #57.04-1-2 as shown on drawings by Lakeside Engineering, dated 6/3/04, revised 7/16/04, revised August 23, 2004;

AND WHEREAS the *property* is 0.86 acres located at 3317 Chambers Road in the Business Regional (BR) *district*;

AND WHEREAS the *applicant* is proposing to demolish the existing Lum's *Restaurant* and construct a 6,800 square foot *building* to include a Dunkin' Donuts *restaurant* and the balance of the floor area to be used for two additional *retail uses*;

AND WHEREAS the proposed *development* is a *mall development* as this contains three or more businesses, pursuant to Chapter 17.04.010 of the Town Municipal Code;

AND WHEREAS the proposed *building* will have a *drive-through use* and said *use* complies with the applicable standards as set forth in Chapter 17.36.220 of the Town Municipal Code;

AND WHEREAS the revised plan proposes 30 *parking* spaces including two handicap *parking* spaces, complying with Chapter 17.48;

AND WHEREAS the *applicant* proposes to dispose of on-site storm water into drywells;

AND WHEREAS the *applicant* proposes to connect to the existing sanitary sewer lateral;

AND WHEREAS the *applicant* proposes new water, electric and gas services to supply the *building*;

AND WHEREAS the *applicant* proposes the following signage:

- An 18 foot high freestanding *directory sign* identifying three *tenants*,
- Façade signage for each *tenant* located on the east elevation facing Chambers Road,
- *Directional sign* identifying the *drive-through* located at the *drive* entrance.

AND WHEREAS the Zoning Board of Appeals at its September 9, 2004 meeting approved variances to permit reduced *setbacks* at the north and south *property* lines, and to permit 78% *lot coverage*;

AND WHEREAS the *applicant* has submitted a Traffic Impact Study, dated September 2004 stating no changes in the Levels of Service (LOS) for the four intersections required to be studied pursuant to Resolution P72-2004, dated August 3, 2004;

AND WHEREAS a letter from Elizabeth R. Bennett, dated September 27, 2004 was received granting permission to the *applicant* to continue to use the ingress/egress *drive* at the southern *property* line into the existing Sugar Creek site;

AND WHEREAS the Chemung *County* Planning Board at its September 16, 2004 meeting recommended approval of the project subject to the comments from the Chemung *County* Commissioner of Public Works;

AND WHEREAS Tim Von Neida, Chemung *County* Commissioner of Public Works in a letter dated October 4, 2004 stated two concerns and recommendations:

- The proposed shrubs along the front curb be eliminated for possible sight and snow removal problems,
- The rapid return of traffic into Chambers Road due to the *drive-through*.

THEREFORE BE IT RESOLVED that the Preliminary Plan is approved and accepted as the Final *Site Plan*;

AND FURTHER RESOLVED that the Final *Site Plan* is approved subject to the following conditions:

1. CONSTRUCTION TIMETABLE: A construction timetable for the proposed construction as shown in the *final plan* will be written by the *developer* and submitted to the CEO prior to the commencement of its construction. This timetable will include scheduled completion dates for this *development* and *shall* be submitted to the CEO prior to the issuance of any *building permit* for the *development*.
2. MAINTENANCE RESPONSIBILITIES: The *developer* will retain maintenance responsibility in perpetuity for the on-site Storm Water Management System, the *drives*, and *internal drives* in such functional condition as intended by the design of the *final plan*.
3. EROSION CONTROL: *temporary* erosion control measures will be taken during the course of any construction. Where hay bales are used as *temporary* erosion control, fabric will be placed along the uphill side. These measures will be monitored by the CEO and corrective action will be taken, when necessary, by the *developer* and his contractors immediately to prevent any erosion.
4. AS-BUILT DRAWINGS: The *developer shall* provide the *Town* with as-built drawings, certified by a *design engineer*, submitted to the CEO for review and approval that include as-built construction drawings of all required *improvements*. No *Certificate of Occupancy* shall be issued until the CEO has received and approved the as-built drawings for the construction approved in this Resolution.
5. CONSTRUCTION DEBRIS CONTROL: No restricted Construction & Demolition (C&D) material, as defined by NYSDEC, will be disposed of at the site. All such material will be disposed of at the Chemung *County* landfill or any other appropriate site.
6. NOISE AND DUST DURING CONSTRUCTION: Construction activities that by their nature create excessive noise, such as, but not exclusive of, the operation of heavy earthmoving equipment, grading, and pouring concrete, *shall* occur between the hours of 6:30 a.m. and 8:00 p.m., Monday through Saturday. All construction equipment will be equipped with mufflers and utilized in such a manner as to reduce noise to the maximum extent possible and to maintain air quality. During the course of construction, excessive dust will be controlled by water spraying or other method approved by the CEO. The Public Roadway, Chambers Road, will be kept free of debris and broom cleaned on a daily basis.
7. MODIFICATION: Modification or deviation from the approved *final plan* is permitted only with the prior approval of the Planning Board, except that the CEO *may* approve, with prior notification to the Chairman of the Planning Board, or member of the Planning Board with *temporary* responsibility of the Chairman, a modification of or deviation that produces no significant change in performance as indicated on/in the approved design of the *final plan* and in the conditions of approval set forth in this Resolution.

8. **LIGHT SPILLAGE:** All outside lighting including exterior lighting on the *building shall* be shielded to prevent light spillage off the site, either horizontally or vertically, and be of a type or design that will prevent excessive glare to traffic, pedestrians, and air traffic.
9. **SIGNS:** A freestanding *sign* and façade signage has been approved as proposed on this *site plan*. Any deviation of the proposed signage will require to be reviewed under *site plan* amendment.
10. **DRIVE ENTRANCES:** The *drive* entrances as shown on the approved Preliminary Plan are the only *drive* entrances to this site.
11. **INSPECTIONS:** The construction of this *development shall* be subject to construction inspections of all *improvements*.
12. **PARKING:** *Parking* is restricted to the *parking lot* as shown on the final plan. No *parking* or display of equipment or goods for sale is permitted on the *drive* or *internal drives*.
13. **FAILURE TO COMPLY:** Failure to comply with these Conditions *shall* constitute a violation of Town Municipal Code.
14. Installation of a physical *barrier* at the north *property* line where there is no curbing provided,
15. A revised landscape plan *shall* be submitted to the Planning Office showing the following:
  - o The front *setback* adjacent to Chambers Road *shall* be planted with grass only,
  - o Replace the trees in the berm at the south *property* line with non-deciduous species plantings not to exceed 4 feet in height at maturity,
16. The additional *tenant* space has been reviewed for *retail use*. Any change in proposed *use*, other than *retail use*, *shall* be reviewed under *site plan* amendment;

AND FURTHER RESOLVED that pursuant to Chapter 17.32.150 of the Town Municipal Code approval of this *site plan shall* be valid for a period of one year from the date of the approved final plan.

CARRIED: AYES: Piersimoni, Ormiston, Fleisher, Younge

NAYS: Masler

ABSTAIN: None

ABSENT: Stewart, Esty

**COMMENTS:**

- Younge commented that the Conference Room “A” at the Community Center is not suitable for Planning Board meetings. Coons replied that he would like the Board to return to the Town Hall which affords better *parking* and is closer to the *office*.

Meeting adjourned at 7:40 P.M.

Respectfully Submitted

Nancy Van Maarseveen  
Planning Board Secretary

October 19, 2004

TO THE ELMIRA CITY PLANNING COMMISSION

Dear Commissioners:

**RE: AGENDA SPECIAL CITY PLANNING COMMISSION MEETING  
OCTOBER 19, 2004 @ 6:00 P.M.  
ELMIRA CITY COURT ROOM, SECOND FLOOR, CITY HALL, ELMIRA, NEW YORK  
ALL APPLICANTS ARE REQUIRED TO ATTEND**

04-10-07      Receive communication from Arnot Ogden Medical Center and act on resolution to  
approve a site plan for 600 Roe Avenue.

04-10-08      Act on resolution to adjourn.

Respectfully Submitted,

Julie A. Elwood  
CPC Representative



**TOWN OF BIG FLATS PLANNING BOARD  
MINUTES OF NOVEMBER 16, 2004**

6:30 P.M.  
REGULAR MEETING  
Conference Room "A"  
Town Hall

Present:

Chair - Mark Fleisher  
Angela Piersimoni  
Carl Masler  
Scott Esty  
Bill Stewart  
James Ormiston  
Lee Younge

Guests: James Gensel, James Knittel, Chris Friend, Art Ambrose

Staff: Chuck Coons, Leonard Kaner

**AGENDA**

The Board agreed to the Agenda as presented.

**MINUTES**

Fleisher asked if there were any corrections before accepting and approving the minutes of October 5, 2004. Piersimoni requested that the approval of the Dunkin' Donut minutes of October 5, 2004 state that she agreed only because the Zoning Board of Appeals had given its approval. With the correction noted, Ormiston made a motion to accept and approve the minutes of October 5, 2004, seconded by Esty. All in favor, motion carried.

**SUBURBAN ACRES SECTION 6/ SOARING RIDGE ESTATES  
SUBDIVISION CONCEPT PLAT  
TAX PARCELS #77.01-1-1.1,-1.2,-1.3,-1.4,-1.5,-1.6,-1.7,-1.8**

Fleisher reviewed the meeting on November 9, 2004, in which Barrington Associates, the *developer* of Suburban Acres, and Fagan Engineers met with the residents of Suburban Acres and interested parties to discuss the proposed *application* before the Board. Fleisher explained that the resolution before the Board acknowledges receipt of the proposed drainage plan and that it would authorize the Director of *Building* Inspection and Code Enforcement to contact the Laberge Group, as a *Consultant* for the *Town* to submit an estimate for its services to review the proposed *application*.

The Board invited James Gensel of Fagan Engineers to present the *application* for the *applicant*. Gensel explained that Fagan Engineers did not do the initial *application* that consisted of 10 residential single-*family lots*. The revised *application* would consist of 4 to 5 phases that would merge the 10-*lot subdivision* and create a 25-*lot subdivision*. He noted that construction on *lots* 5,6,7, and 8 has already begun.

At the November 9<sup>th</sup> meeting, the adjoining residents discussed their concerns with additional drainage and traffic problems. Gensel explained that the drainage is being redesigned toward Sing Sing Creek and away from Brookside Circle. Additional meetings are being set up with the Brookside Circle residents to address their concerns.

Fleisher asked Gensel if Sing Sing Creek is a protected creek. Gensel replied that a portion of the

creek is protected; therefore, Storm Water Quality mitigation is required due to the sensitivity of the creek. Gensel replied that a portion of the creek between *County* Route 64 and Sing Sing Road is not classified as a protected creek. He added that 25 test pits are required to evaluate the soil for septic runoff.

Gensel assured the Board that traffic documentation would be provided, grading issues would be addressed, and as many as possible of the existing trees would be maintained to conform with the character of the neighborhood.

Esty asked if the area has *Town* water. Gensel replied that the area presently has a *County* water line and a private water line that would be dedicated to the Town of Big Flats upon being merged and redesigned. The hydrants would all be reworked.

Ormiston asked if the *Town* Park Commission has been contacted. Gensel explained that originally the decision was to pay \$450 in lieu of parkland; however, payment was never made. Larry Wagner, Commissioner of Public Works, is working on this issue.

Gensel reviewed that the original plan consisted of approximately 50-60 acres that included a *right-of-way* to Brookside Circle. The residents, *Town*, nor the *owner* of the *right-of-way* presently wants to develop the *right-of-way*.

Piersimoni asked about the demographic group that the *applicant* is targeting for this area. Art Ambrose, partner in Barrington Associates, explained that there is a demand for homes as this is a niche market.

There being no further questions or comments, Fleisher asked for a resolution.

#### **RESOLUTION P88-2004**

#### **SUBURBAN ACRES SECTION 6/ SOARING RIDGE ESTATES**

#### **SUBDIVISION CONCEPT PLAT**

#### **TAX PARCELS #77.01-1-1.1,-1.2,-1.3,-1.4,-1.5,-1.6,-1.7,-1.8**

Resolution by: Stewart

Seconded by: Younge

WHEREAS this Board has received an *application* from Barrington Associates for re-*subdivision* and *subdivision* approval of Tax *Parcels* 77.01-1-1.1,-1.2,-1.3,-1.4,-1.5,-1.6,-1.7, and -1.8, commonly known as Suburban Acres Section VI, as shown on a *subdivision* plat by Fagan Engineers, Project #2004.063, dated October 21, 2004;

AND WHEREAS the *parcel* is located at the end of Suburban Drive in the Residential 1 (R1) *district*;

AND WHEREAS there is currently an approved *subdivision* plat for 10 *parcels*, pursuant to Resolution P85-93, dated December 7, 1993; however, this proposal is significantly different in scope from the original approved design, and thus this new *application* will be reviewed using current laws and engineering principals;

AND WHEREAS the *applicant* is proposing to re-subdivide the existing 10 *parcels* and create 25 *parcels* with associated infrastructure;

AND WHEREAS the *applicant* has stated intent to phase the *development*;

AND WHEREAS the following currently exists on the *parcel*

- *Steep slopes*,
- *Large trees* and wooded areas,

- A portion of Sing Sing Creek with associated flood plain and flood way delineation,
- A water main and pump station owned by Chemung County that serves Harris Hill Park,
- A water main that is privately owned;

AND WHEREAS the *Bulk and Density Control Schedule* of the *Town Municipal Code* requires 35,000 square feet for a *lot* for construction of a single *family* house without public sewer;

AND WHEREAS the *applicant* is proposing to construct single *family* homes of a minimum of 3000 square feet including garages, and the proposed *lot* size will be a minimum of 48,000 square feet;

THEREFORE BE IT RESOLVED to accept the documents submitted as a Concept Plat;

AND FURTHER RESOLVED for environmental review purposes this Board finds this *application* to be an Unlisted Action pursuant to NYCRR 617.3, and that the *applicant shall* submit a Full Environmental Assessment Form (EAF) prior to any further action on this *application*;

AND FURTHER RESOLVED that the *applicant shall* submit the documentation pursuant to Chapter 16.08.030 including but not limited to the following:

- Topographical map pursuant to Chapter 16.08.030(B5)
- Drainage study and Storm Water Pollution Prevention Plan (SWPPP),
- Report from Chemung County Health Department regarding the percolation tests for the proposed *building* sites,
- A traffic study of the impacts resulting from the addition of 15 single-family *dwelling*s. The following intersections *shall* be reviewed:
  - Suburban Drive and Brookside Circle (south intersection)
  - Suburban Drive and Brookside Circle (north intersection)
  - Suburban Drive and Foothill Road
  - Suburban Drive and County Route 64
- A copy of any proposed covenants or deed restrictions,
- Soil characteristics within the *development*;

AND FURTHER RESOLVED that due to the complexity of the drainage due to the topography, this Board intends to hire a *consultant* to review the proposed drainage plan, and this Board authorizes the Director of Building Inspections and Code Enforcement to contact the Laberge Group to obtain an estimate for the review services, and pursuant to Chapter 2.12 of the *Town Municipal Code*, the *applicant shall* deposit funds with the *Town* to pay for the expense of said *consultant*.

CARRIED: AYES: Younge, Stewart, Esty, Fleisher, Ormiston, Masler, Piersimoni

NAYS: none

ABSTAIN: none

ABSENT: none

**GRIFFITH ENERGY INC.  
PRELIMINARY SITE PLAN  
TAX PARCEL #76.01-1-2.2**

Fleisher reviewed the proposed resolution and the Short Environmental Assessment Form of SEQRA was completed. The *application* has been referred to the *County Planning Board* and *Town Board* for their review and determination. Therefore, being no further comments or questions, Fleisher asked for a resolution.

**RESOLUTION P89-2004  
GRIFFITH ENERGY INC.  
PRELIMINARY SITE PLAN  
TAX PARCEL #76.01-1-2.2**

Resolution by: Masler  
Seconded by: Ormiston

WHEREAS this Planning Board has received an *application* for *site plan* approval from Griffith Energy Inc., for liquid propane storage and distribution plant located on tax *parcel* #76.01-1-2.2, as shown on a map by Marcor Remediation, Inc., dated September 2004;

AND WHEREAS the *property* is located on New York State Route 352 immediately west of the existing Griffith Oil tank farm in the Industrial (I) *district*;

AND WHEREAS the *applicant* proposes to install two 30,000 gallon liquid propane storage tanks for commercial distribution of propane gas;

AND WHEREAS the proposed site is adjacent to the Chemung River;

AND WHEREAS pursuant to Chapter 17.12.010, a Fuel Storage Terminal is a permitted *use* upon *site plan* approval;

AND WHEREAS the *applicant* has submitted a letter, dated September 14, 2004 stating their intent to merge this subject *parcel* with the adjoining *parcel* currently containing the Griffith Oil tank farm;

AND WHEREAS the New York State Department of Transportation, in a letter dated September 21, 2004, stated it had no objection to this Board being Lead Agency for SEQR. No other Involved Agency responded and the required 30-day waiting period has expired;

AND WHEREAS the *applicant* has submitted a Storm Water Pollution Prevention Plan (SWPPP) and a copy of the Notice of Intent (NOI) to the Planning Office;

AND WHEREAS pursuant to Chapter 17.36.200(D) of the Town *Municipal Code*., the required *setbacks* are to be maintained as *buffer zones*, no landscape plan is required, and the proposed project meets the minimum required standards;

AND WHEREAS the proposed *use* requires approval of the *Town Board* by Special Permit pursuant to Chapter 17.12.010 of the Town *Municipal Code*;

AND WHEREAS that the *applicant* has proposed three outdoor pole lights and a 6' foot-high chain link *fence* to surround the facility;

AND WHEREAS there are no *signs* proposed for this project;

AND WHEREAS there is no containment system as the product is a gas and any accidental discharge would dissipate into the atmosphere;

AND WHEREAS the purposed *development* meets the installation standards of NFPA 30 of the National Fire Codes for separation and fire protection;

THEREFORE BE IT RESOLVED to accept the documentation in this *application* as a Preliminary Plan;

AND FURTHER RESOLVED that based on the review of the Short Environmental Assessment Form of SEQRA completed by the *applicant* and this Board, this Board finds no significant potential adverse environmental impact and therefore issues a Negative Declaration;

AND FURTHER RESOLVED that this *application* be referred to the Chemung County Planning Board pursuant to General Municipal Law 239-m as this *property* is located within 500 feet of State Route 352;

AND FURTHER RESOLVED that this *application* be referred to the *Town Board* for consideration and approval of this proposed use.

CARRIED: AYES: Piersimoni, Masler, Ormiston, Fleisher, Esty, Stewart, Younge

NAYS: none

ABSTAIN: none

ABSENT: none

**RAYMOUR AND FLANIGAN**

**ZBA REFERRAL**

**TAX PARCEL #58.03-1-1.7**

Fleisher reviewed the proposed resolution that would determine a variance for the Raymour and Flanigan *building* to project 8.5 inches into the 25-foot *setback*. The *building* is presently under construction.

Esty expressed his opinion that the *building* is too large for the *lot* and feels the Board has allowed the edge of the rules and regulations. He is concerned that allowing this *building* to be built so close to the *road* would impair Colonial Drive from possible widening in the future considering the state of the *development* in that area. He feels that placing large *buildings* on small *lots* should not be necessary considering the abundance of land in our community. Piersimoni agreed that the *building* is too big for the *lot*.

Stewart expressed his concern as to the *applicant* working on Saturdays and Sundays regardless of the conditions spelled out by this Board to the contrary. He asked the *applicant* if he has spoken to the Code Enforcement Office to extend their hours. Stewart stated that he works in the construction business and has to *sign* waivers to make it legal to extend his hours. James Knittel, of Raymour and Flanigan replied that he would be in contact with the Director of Building Inspection and Code Enforcement tomorrow.

Esty commented that he has observed construction vehicles parked in the *road*. Mr. Knittel replied that they have leased land across to remedy this problem.

There being no further questions or comments, Fleisher asked for a resolution.

**RESOLUTION P90-2004**

**RAYMOUR AND FLANIGAN**

**ZBA REFERRAL**

**TAX PARCEL #58.03-1-1.7**

Resolution by: Piersimoni

Seconded by: Stewart

WHEREAS this Board has had referred to it by the Zoning Board of Appeals an *application* from Raymour and Flanigan for an Area Variance to permit a portion of their *building* currently under construction on Tax *Parcel* #58.03-1-1.7 to remain in the front *setback* as shown on a drawing from the *applicant's* engineer, Stantec Consulting Group, Inc., drawing #CS-100, and accompanying sketch received November 2, 2004;

AND WHEREAS the *applicant's* engineer, in a letter dated November 1, 2004, states that a shift in the *building footprint* to avoid an existing sewer *easement* resulted in one corner of the *building* to encroach .70 feet (approximately 8.5 inches into the front *setback* along Colonial Drive;

AND WHEREAS the error was discovered when a new *survey* was conducted that includes the *footprint* of the *building* under construction;

AND WHEREAS for environmental review purposes an Area Variance is a Type II action pursuant to NYCRR 617.5, and as such no further review is required;

THEREFORE BE IT RESOLVED that pursuant to Chapter 17.60.070 this Board *shall* report its recommendation to the Zoning Board of Appeals;

AND FURTHER RESOLVED this Board makes the following comments on the facts of this case based on the five criteria set forth by New York State for review of an area variance, and as set forth in Chapter 17.60.050 of the Town *Municipal Code*:

1. Can benefit be achieved by other means feasible to the *applicant*?  
no
2. Will there be an undesirable change in neighborhood character or to nearby *properties*?  
no
3. Is the request substantial?  
no
4. Will the request have adverse physical or environmental effects?  
no
5. Is the alleged difficulty self-created?  
Yes

AND FURTHER RESOLVED that based on the above findings this Board determines that the granting of the requested variance would be consistent with the planning objectives of the *Town* Comprehensive Plan and recommends approval of this request by the Zoning Board of Appeals.

CARRIED: AYES: Piersimoni, Masler, Ormiston, Fleisher, Esty, Stewart, Younge

NAYS: none

ABSTAIN: none

ABSENT: none

#### COMMENTS:

- Younge commented that there are houses being built on Davenport Road and questioned whether there is a *subdivision* intended in that area. Chuck Coons, Director of Building Inspection and Code Enforcement, explained that at this time there is only one house being built by the *owner*.
- Fleisher commented that he would not be present for the December 2<sup>nd</sup> Executive Committee meeting. It was agreed by the other members to keep the meeting on December 2<sup>nd</sup> but to hold it at 3 p.m. instead of the usual time in the *Town* Hall.
- Younge reminded the Board that there would be a Citizen Action Group from 5-6 p.m. and a Master Plan meeting in the Community Center on Thursday, November 18, 2004, at 7:00 p.m.
- Ormiston recommended that the Board visit the Soaring Ridge Estate before winter sets in, so as to have a good mental image of the area if we are to review any plans, documentation, etc. in the next couple of months. In response, it was conveyed that it would not be pertinent at this stage because *development* will not take place until early spring.
- Stewart commented that the Board needs to see the drainage plan. Fleisher replied that the

drainage plan is to be sent to the *consultant* for the *Town* for review. The traffic concerns were discussed regarding this project.

- Younge commented that the Planning Board needs to discuss avenues to better regulate *buildings* the size of Raymour and Flanigan and ways not to recommend to the Zoning Board of Appeals the granting of these types of variances. Coons commented that he would recommend a Planning Board workshop.
- Piersimoni asked Coons if the Planning Board could receive a copy of the budget. Coons replied that he thought the Board had already received a copy of the Budget. Leonard Kaner, *Town Board* member, replied that he would see that the Planning Board receives a copy of the budget.
- Chuck distributed and asked for feedback on a "PB Checklist" form for the Planning Board to *use*. It is a list of the sections in the *Town Municipal Code* Book. Younge commented that the list does not seem to include landscaping. Coons explained to the Board that he, Pam Kowulich from the Water Dept. and Lee Younge are working on a separate landscape plan.
- Ormiston commented that he would like to know if the Town Board had approved an Alternate Planning Board member. Fleisher replied that the *Town Board* on October 27, 2004 approved and appointed Lance Muir as the Alternate Planning Board member for a term effective immediately ending December 31, 2004, and the *Town Board shall* thereafter appoint an alternate Planning Board member at its Annual Organizational Meeting for a one-year term. Fleisher suggested that at the next meeting the Planning Board decides under what circumstances would the alternate member be required to attend a meeting.
- Fleisher informed the Board that the *Town Board* denied Donald Yearick's Special *Use* Permit.
- Fleisher commented to Coons that he *might* want to contact the *applicant* of Maple Valley Farm to finalize a *site plan application* before the business reopens in the spring.

Meeting adjourned at 7:45 P.M.

Respectfully Submitted

Nancy Van Maarseveen  
Planning Board Secretary

**TOWN OF BIG FLATS PLANNING BOARD  
MINUTES OF DECEMBER 7, 2004**

6:30 P.M.  
REGULAR MEETING  
Conference Room "A"  
Town Hall

Present:

Chair - Mark Fleisher  
Angela Piersimoni  
Scott Esty  
James Ormiston  
Lee Younge

Absent: Carl Masler  
Bill Stewart

Guests: Brian McDonald, Sam Foster, John Dow, Richard Keyser, Don Yearick, David Kartzman

Staff: Leonard Kaner, Chuck Coons

**AGENDA**

The Board agreed to the Agenda as presented.

**MINUTES**

Fleisher asked if there were any corrections before accepting and approving the minutes of November 16, 2004. There being none, Ormiston made a motion to accept and approve the minutes of November 17, 2004, seconded by Younge. Masler and Stewart were absent, Fleisher, Piersimoni, Esty, Ormiston and Younge were in favor, motion carried.

**GRIFFITH ENERGY INC. PROPANE DISTRIBUTION PLANT  
PRELIMINARY AND FINAL SITE PLAN  
TAX PARCEL #76.01-1-2.2**

Fleisher reviewed and described the proposed resolution that if approved would finalize this *application* before the Planning Board subject to conditions listed. A Special *Use Permit* approval is still required by the *Town Board*.

Younge commented that a discussion with a group of environmental engineers left her with concerns regarding this propane gas tank *application*. The environmental engineers expressed that the propane tanks should not be placed in position that would point toward other existing tanks. If a propane gas tank fails, the tank would shoot out like a cannon, causing a tremendous inferno. She drove by the site and in her observation felt that the propane tank pointed in the direction of a large Griffith oil tank.

She called Mike Smith, Director of Emergency Management, about the letter he had written stating, "We assume that these tanks will be installed and maintained in accordance with all applicable standards, regulations and laws. As long as this is true, the Chemung County Office.... no further comment on the expansion project." He did express concerns if the propane gas tanks are pointed toward tanks already on site and he is waiting for a reply from Chuck Coons, Director of Building Inspection and Code Enforcement, regarding his concerns with the items next to the tanks.

In answer to Younge's question, Brian McDonald, representing Griffith Energy Inc., replied that the three large tan tanks on the new site are empty and would be moved to a plant in Hornell.



Younge recommended that the Board obtain a professional opinion as to the orientation of the propane tanks before making a decision.

Piersimoni concurred that the concern is valid because she has lived near a refinery where some people were killed in a gasoline explosion and that the Chemung County Planning Board expressed concern, but “sees no apparent adverse impacts on the *county* or *state* interests but the *town* should obtain comments from the Chemung County Emergency Management and ....”. Piersimoni continued that it is the *town* responsibility to protect the residents.

Brian McDonald stated that the propane gas tanks were placed toward the river for fueling convenience and safety in case of failure and that any existing oil tanks would be bypassed.

Younge said Mike Smith explained that propane gas is heavier than air and would settle towards the ground. Therefore, Younge requested that the statement in the proposed resolution “there is no containment system as the product is a gas and any accidental discharge would dissipate into the atmosphere” is incorrect and be removed. Smith further commented that a volatile potential exists during the filling of the propane gas tanks.

Fleisher asked if the National Fire Protection Association (NFPA) regulates the orientation of the tanks. McDonald replied that the NFPA does not regulate the orientation of the tanks.

Fleisher asked the Board as to whether it wanted to table or modify the resolution to reflect receipt of comments from the Regional Engineer for the Department of *State*. He noted that the Big Flats Fire Department did not respond to a letter dated September 17, 2004, asking for questions or comments.

Esty commented in regard to a potential explosion is that the company is going to design for any potential disaster because they would be the most affected. McDonald explained the safety precautions.

Younge asked Coons how the two tanks are already on site and asked if there is propane gas in the tanks. McDonald replied that there is gas inside the tank. For testing, the 30,000-gallon tanks have already been filled of propane gas to 4%. Coons replied that Griffith contacted him about placing footers for the tanks. Foster stated that to move the tanks would cost approximately \$12,000 each.

Esty asked how the proposed delay in approving the *application* would complicate their business plans and that the price of propane could be affected. Fleisher replied that the best-case scenario would be a three-week delay and noted that the *Town Board* has a Public Hearing scheduled on this *application* for December 8, 2004. Sam Foster, Manager of Griffith Energy Inc. replied that there is presently another terminal being built, so the rotation of the completion schedule could be revised to accommodate the delay.

Esty asked Coons if there is a drawing of the tanks’ orientation. Coons presented a drawing with the orientation for the Board to review.

Fleisher asked Foster, if he has had any contact with the Environmental Protection Agency (EPA). Foster replied that he personally does not have any contact with the EPA, but Griffith’s Environmental Department would be in contact with the EPA. He explained that Griffith’s Environmental Department would construct a handbook as to how to handle the project, which is then forwarded to EPA for approval.

After much discussion, it was decided that the Regional Engineer for the Department of State would be contacted to provide comments in reference to the Board’s concerns.

There being no further questions or comments, the proposed resolution was modified accordingly.

**RESOLUTION P91-2004**  
**GRIFFITH ENERGY INC. PROPANE DISTRIBUTION PLANT**  
**PRELIMINARY AND FINAL *SITE PLAN***  
**TAX PARCEL #76.01-1-2.2**

Resolution by: Ormiston

Seconded by: Esty

WHEREAS this Planning Board has received an *application* for *site plan* approval from Griffith Energy Inc., for liquid propane storage and distribution plant located on tax *parcel* #76.01-1-2.2, as shown on a map by Marcor Remediation, Inc., dated September 2004;

AND WHEREAS the *property* is located on New York State Route 352 immediately west of the existing Griffith Oil tank farm in the Industrial (I) *district*;

AND WHEREAS the *applicant* proposes to install two 30,000 gallon liquid propane storage tanks for commercial distribution of propane gas;

AND WHEREAS the proposed site is adjacent to the Chemung River;

AND WHEREAS pursuant to Chapter 17.12.010, a Fuel Storage Terminal is a permitted *use* upon *site plan* approval;

AND WHEREAS the *applicant* has submitted a letter, dated September 14, 2004 stating its intent to merge this subject *parcel* with the adjoining *parcel* currently containing the Griffith Oil tank farm;

AND WHEREAS the New York State Department of Transportation, in a letter dated September 21, 2004, stated it had no objection to this Board being Lead Agency for SEQR. No other Involved Agency responded and the required 30-day waiting period has expired;

AND WHEREAS the *applicant* has submitted a Storm Water Pollution Prevention Plan (SWPPP) and a copy of the Notice of Intent (NOI) to the Planning Office;

AND WHEREAS pursuant to Chapter 17.36.200(D) of the Town *Municipal Code*, the required *setbacks* are to be maintained as *buffer* zones, no landscape plan is required, and the proposed project meets the minimum required standards;

AND WHEREAS the proposed *use* requires approval of the *Town Board* by Special Permit pursuant to Chapter 17.12.010 of the Town *Municipal Code*;

AND WHEREAS that the *applicant* has proposed three outdoor pole lights and a 6' foot-high chain link *fence* to surround the facility;

AND WHEREAS there are no *signs* proposed for this project;

AND WHEREAS the proposed *development* meets the installation standards of NFPA 30 of the National Fire Codes for separation and fire protection;

AND WHEREAS the Chemung County Planning Board at its November 18, 2004 meeting stated that there are no apparent adverse impacts upon *county* or *state* interests. However, it was recommended that the *Town* contact the Chemung County Emergency Management Office and Steuben County for comments;

AND WHEREAS the Chemung County Emergency Management Office, in a letter dated December 1, 2004, stated no further comment assuming the tanks are installed and maintained in accordance with all applicable standards;

AND WHEREAS Linda Giardina, *Code Enforcement Officer* for the Town of Corning spoke, with Chuck Coons on December 2, 2004 and stated that the Town of Corning had no comment on said *application*;

THEREFORE BE IT RESOLVED to approve the documentation in this *application* as a Preliminary Plan;

AND FURTHER RESOLVED that the Preliminary Plan is accepted as the Final *Site Plan*;

AND FURTHER RESOLVED that the Final *Site Plan* is approved subject to the following conditions:

- That the *Town Board* shall approve the *Special Use Permit* pursuant to Chapter 17.12.010,
- The *applicant* shall merge tax *parcel* #76.01-1-2.2 and 76.01-1-8
- Any modification to the *site plan* shall be made only by approval of the Planning and *Town Board* by *site plan* amendment;

AND FURTHER RESOLVED pursuant to Chapter 17.32.150 of the Town Municipal Code approval of this *site plan* shall be valid for a period of one year from the date of the approved final plan.

CARRIED: AYES: Fleisher, Esty, Ormiston

NAYS: Younge, Piersimoni

ABSTAIN: none

ABSENT: Masler, Stewart

Motion to approve the proposed resolution was defeated.

Fleisher asked if the Board would like to modify the defeated resolution. The resolution was modified and Younge made the motion, seconded by Fleisher. Masler and Stewart were absent, Piersimoni, Esty, Ormiston, Younge and Fleisher were in favor, motion carried.

#### **RESOLUTION P92-2004**

#### **GRIFFITH ENERGY INC. PROPANE DISTRIBUTION PLANT**

#### **PRELIMINARY AND FINAL *SITE PLAN***

#### **TAX *PARCEL* #76.01-1-2.2**

Resolution by: Younge

Seconded by: Fleisher

WHEREAS this Planning Board has received an *application* for *site plan* approval from Griffith Energy Inc., for liquid propane storage and distribution plant located on tax *parcel* #76.01-1-2.2, as shown on a map by Marcor Remediation, Inc., dated September 2004;

AND WHEREAS the *property* is located on New York State Route 352 immediately west of the existing Griffith Oil tank farm in the Industrial (I) *district*;

AND WHEREAS the *applicant* proposes to install two 30,000 gallon liquid propane storage tanks for commercial distribution of propane gas;

AND WHEREAS the proposed site is adjacent to the Chemung River;

AND WHEREAS pursuant to Chapter 17.12.010, a Fuel Storage Terminal is a permitted *use* upon *site plan* approval;

AND WHEREAS the *applicant* has submitted a letter, dated September 14, 2004 stating its intent to merge this subject *parcel* with the adjoining *parcel* currently containing the Griffith Oil tank farm;

AND WHEREAS the New York State Department of Transportation, in a letter dated September 21, 2004, stated it had no objection to this Board being Lead Agency for SEQR. No other Involved Agency responded and the required 30-day waiting period has expired;

AND WHEREAS the *applicant* has submitted a Storm Water Pollution Prevention Plan (SWPPP) and a copy of the Notice of Intent (NOI) to the Planning Office;

AND WHEREAS pursuant to Chapter 17.36.200(D) of the Town *Municipal Code*, the required *setbacks* are to be maintained as *buffer* zones, no landscape plan is required, and the proposed project meets the minimum required standards;

AND WHEREAS the proposed *use* requires approval of the *Town Board* by Special Permit pursuant to Chapter 17.12.010 of the Town *Municipal Code*;

AND WHEREAS that the *applicant* has proposed three outdoor pole lights and a 6' foot-high chain link *fence* to surround the facility;

AND WHEREAS there are no *signs* proposed for this project;

AND WHEREAS the proposed *development* meets the installation standards of NFPA 30 of the National Fire Codes for separation and fire protection;

AND WHEREAS the Chemung County Planning Board at its November 18, 2004 meeting stated that there are no apparent adverse impacts upon *county* or *state* interests. However, it was recommended that the *Town* contact the Chemung County Emergency Management Office and Steuben County for comments;

AND WHEREAS the Chemung County Emergency Management Office, in a letter dated December 1, 2004, stated no further comment assuming the tanks are installed and maintained in accordance with all applicable standards;

AND WHEREAS Linda Giardina, *Code Enforcement Officer* for the Town of Corning, spoke with Chuck Coons on December 2, 2004 and stated that the Town of Corning had no comment on said *application*;

THEREFORE BE IT RESOLVED to approve the documentation in this *application* as a Preliminary Plan;

AND FURTHER RESOLVED that the Preliminary Plan is accepted as the Final *Site Plan*;

AND FURTHER RESOLVED that the Final *Site Plan* is approved subject to the following conditions:

- That the *Town Board* shall approve the Special *Use* Permit pursuant to Chapter 17.12.010,
- The *applicant* shall merge tax *parcel* #76.01-1-2.2 and 76.01-1-8
- Any modification to the *site plan* shall be made only by approval of the Planning and *Town Board* by *site plan* amendment;

AND FURTHER RESOLVED that the Regional Engineer for the Department of *State*, Charles Bliss, shall review and comment on the orientation of the tanks and safety standards.

AND FURTHER RESOLVED pursuant to Chapter 17.32.150 of the Town *Municipal Code* approval of this *site plan* shall be valid for a period of one year from the date of the approved final plan.

CARRIED: AYES: Fleisher, Esty, Ormiston, Younge, Piersimoni

NAYS: none

ABSTAIN: none

ABSENT: Masler, Stewart

**DOW SUBDIVISION**

**CONCEPT PLAT**

**TAX PARCEL #57.03-2-9.11**

Fleisher reviewed the proposed resolution and explained that this *subdivision application* would create a 1.4-acre *non-conforming lot* and that the reason for the *application* is to form a Limited Liability Corporation.

John Dow, the *applicant*, stated that there is room for another hangar on this *lot*. Coons explained that in order to build a hangar on this *non-conforming lot* a variance would be required.

The Board reviewed and completed the five criteria to determine as to whether the area variance is consistent with the planning objectives of the *Town Comprehensive Plan*.

Esty asked Mr. Dow if the surrounding land belongs to Chemung County *Airport*. Mr. Dow replied yes, and that there is no other private ownership.

Piersimoni asked if the intent of the Limited Liability Corporation is to build a bigger *building*. Mr. Dow replied that when Carl Carson was Director of Building Inspection and Code Enforcement there was an approval as such. Coons commented that he would review the previous *site plan* approval and would submit the information at the next meeting.

Ormiston said that based on the findings this Board should determine that the granting of the requested area would be consistent with the objectives of the *Town's Comprehensive Plan* and recommends approval of this request with the provision that current and future *uses* are consistent with the intent of the *Airport Business Development (ABD) district*. A discussion pursued as to what business would be consistent with the ABD district. Fleisher commented that this concern is premature and that this *application* is strictly a *subdivision application*. Esty asked if any future *use* would require a *site plan* amendment. Again, the previous *site plan* approval would need to be reviewed.

There being no further questions or comments, Fleisher asked for a resolution.

**RESOLUTION P93-2004**

**DOW SUBDIVISION**

**CONCEPT PLAT**

**TAX PARCEL #57.03-2-9.11**

Resolution by: Ormiston

Seconded by: Esty

WHEREAS the Planning Board has received an *application* from John and Daphne Dow, *owners* of tax *parcel* #57.03-2-9.11, for the *subdivision* approval of this 68.5-acres *parcel* to create the following two *parcels*:

- *Parcel A* being approximately 67.1- acres containing vacant land located on north side of Sing Sing Road;
- *Parcel B* being approximately 1.4-acres containing a commercial *building* located on the south side of Sing Sing Road,

AND WHEREAS the proposed *subdivision* is located at 236 Sing Sing Road adjacent to the Elmira-Corning Regional *Airport* in the *Airport* Business Development *District* (ABD);

AND WHEREAS pursuant to the *Bulk* and *Density* Control Schedule the area required for a subdivided *parcel* is three acres, and the proposed *subdivision* does not comply with the minimum requirement, and an area variance is required prior to approval of the requested *subdivision*;

AND WHEREAS the *applicant* has requested a variance to permit a *parcel* with less acreage than required;

AND WHEREAS the adjoining *property owners* have been notified of this *application* pursuant to the rules of the Planning Board;

THEREFORE BE IT RESOLVED that this Board accepts the documentation in this *application* as a Concept Plat in accordance with Title 16 of the *Town Municipal Code*;

AND FURTHER RESOLVED that pursuant to Chapter 17.60.070 this Board *shall* report its recommendation to the Zoning Board of Appeals regarding the requested variance;

AND FURTHER RESOLVED this Board makes the following comments on the facts of this case based on the five criteria set forth by New York State for review of an area variance, and as set forth in Chapter 17.60.050 of the *Town Municipal Code*:

1. Can benefit be achieved by other means feasible to the *applicant*?  
No.
2. Will there be an undesirable change in neighborhood character or to nearby *properties*?  
No.
3. Is the request substantial?  
Yes, it exceeds 50% of the required area.
4. Will the request have adverse physical or environmental effects?  
No.
5. Is the alleged difficulty self-created?  
Yes.

AND FURTHER RESOLVED that based on the above findings this Board determines that the granting of the requested area variance would be consistent with the planning objectives of the *Town* Comprehensive Plan and recommends approval of this request by the Zoning Board of Appeals.

CARRIED: AYES: Younge, Esty, Fleisher, Ormiston, Piersimoni

NAYS: none

ABSTAIN: none

ABSENT: Masler, Stewart

**DON YEARICK**

**COFFEE ROASTERS**

**PRELIMINARY SITE PLAN AMENDMENT**

**TAX PARCEL #57.02-2-66**

The Board reviewed the proposed resolution and completed the Short Environmental Assessment Form.

The question as to what type of business supports the *Airport* was again discussed. The *applicant* indicated that because some deliveries would be shipped via airfreight, this business would comply. The *applicant* also intends to contact the *airport restaurant* as a potential customer.

Piersimoni commented that converting the *building* from a prior automobile repair shop to processing food should require the Board to obtain a written statement from the Health Department that an inspection has been complete and approved.

Piersimoni asked Mr. Yearick how much coffee he expects to process. Mr. Yearick replied that presently the current *owner* is processing 1,000 pounds of coffee a week and the goal is 5,000 pounds a month. The coffee processing requires approximately eight hours a week.

Fleisher asked if the waste product would be picked up on a daily basis. Mr. Yearick replied that a private waste contractor would remove the waste products weekly that consist of paper-like shavings. Prior to pickup, waste would be retained inside the *building* in garbage cans.

There being no further questions or comments, Fleisher asked for a resolution.

**RESOLUTION P94-2004  
DON YEARICK  
COFFEE ROASTERS  
PRELIMINARY *SITE PLAN* AMENDMENT  
TAX *PARCEL* #57.02-2-66**

Resolution by: Piersimoni

Seconded by: Younge

WHEREAS this Board has received an *application* from Donald Yearick, *owner* of tax *parcel* #57.03-2-66, for a *site plan* amendment to operate a business to roast, package, and distribute coffee beans;

AND WHEREAS the *parcel* is 0.677 acres and is located at 334 Sing Sing Road in the *Airport* Business District (ABD),

AND WHEREAS the operation is classified as a manufacturing *use* and is a permitted *use* in the ABD district;

AND WHEREAS the *applicant* states that all business will be conducted inside the existing *building*, and there will be no outside storage;

AND WHEREAS the *applicant*, in a letter received December 3, 2004, states the following:

- Green coffee beans are roasted in a roasting machine similar to a clothes dryer, and vents to the exterior producing a slight aroma,
- For every 100lbs of beans roasted, 5lbs of chafe (waste) is produced, and will be disposed of using a local disposal service,
- Hours of operation will be from 9 am to 9 pm; however only a few hours per day are required for roasting, with three employees anticipated at this time,
- Packaged product is delivered by Federal Express and UPS, using ground and air transport,
- Signage will be limited to the existing signage on site.

AND WHEREAS adjoining *property owners* have been notified of this *application*;

THEREFORE BE IT RESOLVED to accept the documents presented in this *application* as a Preliminary Plan for *Site Plan* Amendment;

AND FURTHER RESOLVED that, for environmental review this Board finds action on this *application* to be an Unlisted Action in accordance with 6NYCRR 617.3 and that this Board is the Lead Agency completing an uncoordinated review with information notice of this *application* given to the Chemung County Department of Public Works, Chemung County Health Department and the Chemung County Planning Board;

AND FURTHER RESOLVED that based on the review of the Short Environmental Assessment Form of SEQRA completed by the *applicant* and this Board, this Board finds no significant potential adverse environmental impact and therefore issues a Negative Declaration;

AND FURTHER RESOLVED that this *application* be referred to the Chemung County Planning Board pursuant to General Municipal Law 239-m as this *property* is located within 500 feet of *County* Route 17;

AND FURTHER RESOLVED that prior to further action by this Board, the Chemung County Health Department *shall* make written comment on the viability of the existing *building* for a food processing operation.

CARRIED: AYES: Piersimoni, Younge, Fleisher, Esty

NAYS: Ormiston

ABSTAIN: none

ABSENT: Stewart, Masler

#### DAVID KARTZMAN WORKSHOP

Fleisher asked David Kartzman, to present his *café/restaurant site plan* workshop. Mr. Kartzman is a resident of Big Flats and is interested in converting the residence at 481 Maple Street, Big Flats to the following Commercial/Residential *use*:

- The second level of the present *one-unit dwelling* would be converted to a two-bedroom apartment,
- The lower level of the *one-unit dwelling* would be converted to a *café/restaurant*,
- The detached barn/garage upper level would be converted into two apartments,
- The detached barn/garage lower level would be converted to office space.

Mr. Kartzman addressed the following issues:

- Aesthetics would conform with the character of the neighborhood
- *Building* code and regulations would be followed
- Health Department regulations would be followed
- *Parking*
  - The *property* would be modified to accommodate the maximum amount of *parking* spaces required,
  - The Big Flats Fire Department, which owns the *property* directly east of the proposed development, has been contacted to secure additional space for *parking* as required by code.
- The Purchase offer is contingent on a positive determination of the above issues.

Younge asked Coons to provide the Board with the exact number of required *parking* spaces, including handicapped *parking*, employees *parking*, *café/restaurant parking*, office-space *parking*, and *parking* for the three apartments.

Esty inquired as to the classification of the new business in the Town Center *district*.



Piersimoni commented that the primary business would be the business with the largest income; therefore, the *property* would not be considered a residential business.

Fleisher commented that the *site plan* needs to include an acceptable ingress and egress plan. Mr. Kartzman replied that his intent is to have the drive go around the house. Coons stated that in addition to the *parking* spaces, *buffer/barrier* requirements need to be considered. However, he pointed out that the Planning Board *may* grant certain waivers for on site *parking* if satisfactory municipal *parking* is available within 400 feet.

Younge asked Kartzman who would be the actual *owners* of the business. Mr. Kartzman replied that it would be a corporation business.

Fleisher asked about the proposed hours of operation. Mr. Kartzman replied that the hours of for the café/*restaurant* operation would initially be from 6 a.m. to 2 p.m.; however, if successful the hours may be extended.

Piersimoni asked about Mr. Kartzman's prior business experience. Mr. Kartzman replied that he has been working with the Corning Small Business Development Center and that he and his associate in Corning have converted several office properties.

There being no further questions or comments, the Board thanked Mr. Kartzman for his time.

#### COMMENTS:

- Fleisher commented that he would be available if the Executive Committee wishes to move the next Executive Committee meeting to a different time. Younge and Piersimoni agreed that Wednesday, December 22, 2004 at 11 a.m. in the Court Room at the *Town* Hall would be acceptable.
- Ormiston has agreed to stay on as a Planning Board member for another seven-year term. A resolution would be presented at the next Planning Board Meeting.
- Younge asked Coons how Griffith placed propane gas in the tanks without approval. (See previous comments)
- Piersimoni asked if the sale of the Lums/Dunkin Donut *property* has been finalized. Esty commented that the *applicant* never conveyed that type of business to the Board. Coons replied that he was made aware of that option. Younge expressed concern as to the affects of that type of *retail* business to the already existing traffic problem area. The Board was reminded that there are two *retail* businesses approved in addition to the Dunkin Donut space.
- Fleisher agreed to serve as Chair to the Planning Board for another term. The Board members accepted his offer.

Meeting adjourned at 8:30 P.M.

Respectfully Submitted

Nancy Van Maarseveen  
Planning Board Secretary

Last printed 12/29/2004 8:47 AM

**TOWN OF BIG FLATS PLANNING BOARD  
MINUTES OF DECEMBER 28, 2004**

6:30 P.M.  
REGULAR MEETING  
Conference Room "A"  
Town Hall

Present:

Chair - Mark Fleisher  
Angela Piersimoni  
James Ormiston  
Lee Younge  
Carl Masler  
Bill Stewart

Absent: Scott Esty

Guests: None

Staff: Chuck Coons

**AGENDA**

The Board agreed to the Agenda as presented.

**MINUTES**

Fleisher asked if there were any corrections before accepting and approving the minutes of December 7, 2004. There being none, Stewart made a motion to accept and approve the minutes of December 7, 2004, seconded by Piersimoni. Ormiston and Masler abstained, Esty was absent, Fleisher, Piersimoni, Younge and Stewart were in favor, motion carried.

**DOW SUBDIVISION  
CONCEPT PLAT  
TAX PARCEL #57.03-2-9.11**

The Board reviewed the proposed resolution that included the Zoning Board of Appeals (ZBA) decision to approve the area variance thereby creating a non-conforming *parcel* and *subdivision* approval *may* not be necessary. The Short Environmental Assessment Form was completed and the Board issued a Negative Declaration.

Coons introduced a letter from the New York Department of State Counsel's Office, dated January 28, 1992. This opinion letter states that where there is a fee ownership of a *road* or utility line that bisects a *parcel* the original *parcel*, is no longer contiguous. However, as this opinion is case specific, Coons stated that this Board should proceed with the *subdivision* process. He will obtain more information for future reference.

Fleisher questioned if the proposed *subdivision parcels* have two separate tax numbers. Coons replied that the smaller non-conforming *parcel* still have to comply with land *use* regulations in Chapter 17 of the *Town Municipal Code*. The *applicant's* previous comment that there is prior approval to build an additional hangar would require an area variance.

Ormiston proposed that the final resolution include that any modification of the *use* of these *parcels* be subject to Planning Board review and approval.

There being no further questions or comments, Fleisher asked for a resolution.

**RESOLUTION P95-2004**  
**DOW SUBDIVISION**  
**CONCEPT PLAT**  
**TAX PARCEL #57.03-2-9.11**

Resolution by: Piersimoni

Seconded by: Younge

WHEREAS the Planning Board has received an *application* from John and Daphne Dow, *owners* of tax *parcel* #57.03-2-9.11, for the *subdivision* approval of this 68.5-acres *parcel* to create the following two *parcels*:

- *Parcel A* being approximately 67.1- acres containing vacant land located on north side of Sing Sing Road;
- *Parcel B* being approximately 1.4-acres containing a commercial *building* located on the south side of Sing Sing Road,

AND WHEREAS the proposed *subdivision* is located at 236 Sing Sing Road adjacent to the Elmira-Corning Regional *Airport* in the *Airport Business Development District (ABD)*;

AND WHEREAS pursuant to the *Bulk and Density* Control Schedule the area required for a subdivided *parcel* is three acres, and the proposed *subdivision* does not comply with the minimum requirement, and an area variance is required prior to approval of the requested *subdivision*;

AND WHEREAS the Zoning Board of Appeals (ZBA), at its December 16, 2004 meeting, approved the area variance request to create a non-conforming *parcel*

THEREFORE BE IT RESOLVED that this Board accepts the documentation in this *application* as a Preliminary Plat in accordance with Title 16 of the *Town Municipal Code*;

AND FURTHER RESOLVED that, for environmental review this Board finds action on this *application* to be an Unlisted Action in accordance with 6NYCRR 617.3 and that this Board is the Lead Agency completing an uncoordinated review with information notice of this *application* given to the Chemung County Department of Public Works, Chemung County Health Department and the Chemung County Planning Board;

AND FURTHER RESOLVED that based on the review of the Short Environmental Assessment Form of SEQRA completed by the *applicant* and this Board, this Board finds no significant potential adverse environmental impact and therefore issues a Negative Declaration;

AND FURTHER RESOLVED that this *application* be referred to the Chemung County Planning Board pursuant to General Municipal Law 239-n as this *property* is located within 500 feet of County Route 17;

AND FURTHER RESOLVED that a Public Hearing is required for the Preliminary Plat of a proposed *subdivision* and this Board sets a Public Hearing on the Preliminary Plat for February 8, 2005 at 6:33 P.M. or soon thereafter as practical.

CARRIED: AYES: Piersimoni, Masler, Ormiston, Fleisher, Stewart, Younge

NAYS: None

ABSTAIN: None

ABSENT: Esty

**KLEE/EMPIRE STORAGE, LLC.  
SUBDIVISION CONCEPT PLAT  
TAX PARCEL #77.00-1-33**

Fleisher described and reviewed the proposed resolution that would table the *application* until the *applicant* has submitted additional information. If the requested topographical map determines that the proposed 30-foot access to the *parcel* cannot be used as a *driveway*, *Parcel 'A'* would be dependent on an *easement* by the *owner* of *Parcel 'B'*.

Younge expressed her concern with *parcel 'A'* being landlocked with a dependent *easement* and if emergency vehicles could access *Parcel 'A'*.

Ormiston questioned if the *driveway* is subject to *Town* specifications considering the proposed *subdivision* is located on a *County Road*.

There being no further questions or comments, Fleisher asked for a resolution.

**RESOLUTION P96-2004  
KLEE/EMPIRE STORAGE, LLC.  
SUBDIVISION CONCEPT PLAT  
TAX PARCEL #77.00-1-33**

Resolution by: Younge  
Seconded by: Piersimoni

WHEREAS the Planning Board has received an *application* from Kimberly Klee for Empire Storage, LLC., *owner* of tax *parcel* #77.00-1-33, for the *subdivision* approval of this 102.5-acres *parcel* to create the following two *parcels*:

- *Parcel A* being a minimum of 3-acres containing a single *family dwelling*, barn, and pond,
- *Parcel B* being approximately 99.5-acres containing vacant land;

AND WHEREAS the proposed *subdivision* is located at 194 Harris Hill Road in the Rural *District* (RU);

AND WHEREAS pursuant to the *Bulk and Density* Control Schedule the area required for a subdivided *parcel* is 3-acres;

AND WHEREAS the *applicant* intends to sell the existing house and retain ownership of the balance of the *property*. No further plans for the *property* are being considered at this time;

AND WHEREAS the proposed subdivided *parcel* containing the *dwelling* will have a 30-foot wide access to Harris Hill Road, effectively creating a flag *lot*;

AND WHEREAS the *dwelling* presently has access to Harris Hill Road via a *driveway* and no additional *driveway* is proposed;

AND WHEREAS the adjoining *property owners* have been notified of this *application* pursuant to the rules of the Planning Board;

THEREFORE BE IT RESOLVED that this Board to accepts the documentation in this *application* as a Concept Plat in accordance with Title 16 of the *Town Municipal Code*;

AND FURTHER RESOLVED that for environmental review proposes pursuant to SEQRA the Board

intends to be Lead Agency and finds that this *application* is incomplete and that the *applicant shall* submit a current *survey* map showing the following:

- The entire *parcel* with the subdivided *parcel* of at least 3-acres,
- Location of septic field and well,
- Topographical map;

AND FURTHER RESOLVED that this *application* be sent to the Golden Glow Fire Department for review and comment;

AND FURTHER RESOLVED that this *application* is tabled pending receipt of the required documentation.

CARRIED: AYES: Younge, Stewart, Fleisher, Ormiston, Masler, Piersimoni

NAYS: none

ABSTAIN: none

ABSENT: Esty

#### **RESOLUTION P97-2004**

#### **RECOMMENDATION FOR APPOINTMENT OF 2005 CHAIRMAN OF THE PLANNING BOARD**

Resolution by: Ormiston

Seconded by: Stewart

WHEREAS the *Town Board* requires the Planning Board to make a recommendation of a candidate for appointment by the *Town Board* to be Chairman of the Planning Board each new year;

AND WHEREAS Mark Fleisher has consented to be reappointed Chairman of the Planning Board;

THEREFORE BE IT RESOLVED that the Planning Board recommends that the *Town Board* reappoint Mark Fleisher to be Chairman of the Planning Board for 2005.

CARRIED: AYES: Younge, Stewart, Ormiston, Masler, Piersimoni

NAYS: none

ABSTAIN: Fleisher

ABSENT: Esty

#### **RESOLUTION P98-2004**

#### **RECOMMENDATION FOR JAMES ORMISTON REAPPOINTMENT AS PLANNING BOARD MEMBER**

Resolution by: Fleisher

Seconded by: Piersimoni

WHEREAS the *Town Board* requires the Planning Board to make a recommendation of a candidate for appointment to be a member of the Planning Board each new year;

AND WHEREAS James Ormiston has been serving as member of the Planning Board and has consented to serve another seven-year term;

THEREFORE BE IT RESOLVED that the Planning Board recommends to the *Town Board* that the *Town Board* reappoint James Ormiston to be a member of the Planning Board for a seven-year term to expire December 31, 2011.

CARRIED: AYES: Piersimoni, Masler, Fleisher, Stewart, Younge

NAYS: None  
ABSTAIN: Ormiston  
ABSENT: Esty

**RESOLUTION P99-2004**  
**PLANNING BOARD MEETING SCHEDULE FOR THE YEAR 2005**

Resolution by: Ormiston  
Seconded By: Masler

WHEREAS the Schedule for the Planning Board Meetings for the Year 2005 has been determined in compliance with the New York State Open Meetings Law;

BE IT THEREFORE RESOLVED that pursuant to Planning Board Rule 3, the scheduled Regular Planning Board Meetings *shall* be held every three weeks on a Tuesday, commencing on January 18, 2005, and such meetings *shall* begin at 6:30 p.m.

CARRIED: AYES: Piersimoni, Masler, Ormiston, Fleisher, Stewart, Younge  
NAYS: None  
ABSTAIN: None  
ABSENT: Esty

**COMMENTS:**

- Fleisher reminded the Board of the February 10, 2005 NYS Training for Local Officials.
- Ormiston reminded the Board that he would be absent from Planning Board Meetings on February 8, March 1 and March 22, 2005.
- The secretary will inquire as to the reappointment of the alternate Planning Board Member for 2005.
- Fleisher commented that his reappointment of Angela Piersimoni as co-chair would be presented at the next Planning Board Meeting.
- Coons commented on the status of the Yearick Coffee Roasters *Site Plan* Amendment. The County Planning Board has placed this *application* on its January 13, 2005 meeting agenda. The Department of Health stated that the *application* is classified as an Agri-business and would need to meet certain standards and licensing requirements and suggest applying conditions upon compliance with the *Town Municipal Code*.
- Piersimoni commented on the Tag's article in the newspaper and questioned as to any *Town code* concerns.
- Ormiston commented that the area previously approved for a Simmons-Rockwell Service Center is being used as an unauthorized car *lot*. Coons replied that Simmons-Rockwell intends to start construction in the spring.
- Younge commented as to the status of the propane gas tanks at Griffith Energy. Fleisher replied that the Regional Engineer for the Department of State sent a letter approving the location of the tanks. Coons replied that a Special *Use* Permit is being determined at the *Town Board* meeting on December 29, 2004. He added that he *may* have to take court action for placing the tanks on site prior to approval. Piersimoni recommended that a *consultant* be considered to assist with *applications* where the Board has no expertise. Fleisher commented that two *consultants* have contacted the *Town* with proposals to work on an add-need-basis. Coons is working with Albany to determine criteria when a *consultant* would be needed.
- Piersimoni commented as to the status of the shredding operation on Larchmont Avenue. Coons replied that the deadline to relocate the business is January 31, 2005.
- Fleisher reminded Coons that Giles Farm Market *application* needs to be completed before spring.
- Fleisher inquired as to the Kartzman status. Coons replied that without more *parking* and sewers the *application* is limited.

Meeting adjourned at 7:30 P.M.

Respectfully Submitted

Nancy Van Maarseveen  
Planning Board Secretary

Last printed 1/31/2005 4:36 PM